

Decision 93753 NOV 13 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of A. J. VINT and ELISABETH)
VINT, individuals dba LA PIERRE)
TRUCKING to acquire from DAVID)
LA PIERRE and KHARRON LA PIERRE,)
individuals, a Sec. 1063.5)
Certificate of Public Con-)
venience and Necessity.)

Application 60716
(Filed July 7, 1981)

O P I N I O N

David La Pierre and Kharron La Pierre, copartners
(Sellers), request authority to sell and transfer and A. J. Vint
and Elisabeth Vint, copartners (Purchasers), propose to purchase
and acquire a highway common carrier certificate of public
convenience and necessity.

The certificate was issued under authority of Public
Utilities (PU) Code Section 1063.5 in Application GC 175. Sellers
have filed a certificate asserting actual operations in good faith,
as that term is used in PU Code Section 1064.5, within and between
points in the Counties of:

Alameda	Napa	Santa Clara
Butte	Nevada	Shasta
Contra Costa	Orange	Solano
El Dorado	Placer	Sonoma
Kern	Sacramento	Stanislaus
Fresno	San Bernardino	Sutter
Los Angeles	San Francisco	Yolo
Merced	San Joaquin	Yuba

Notice of the filing of the application appeared in the Commission's Daily Calendar of July 9, 1981. There have been no protests.

Findings of Fact

1. Sellers hold a certificate of public convenience and necessity to operate as a highway common carrier issued under PU Code Section 1063.5 in Application GC 175, under File T-102,831.

2. Sellers conducted actual operations in good faith under the certificate within and between all counties referred to in the application.

3. Purchasers currently operate under a highway contact carrier permit issued by the Commission.

4. Sellers and Purchasers have entered into an agreement in which Purchasers would purchase Sellers' business for a total price of \$16,000 payable in the following manner:

\$500.00 deposit in cash upon signing of the sales/
purchase agreement, refundable if the transaction
is not consummated, with an additional \$3,500.00

to be paid on July 1, 1981; balance of \$12,000.00 to be paid in 24 months at \$500.00 each month payable beginning 30 days after July 1, 1981, and on the first day of each month thereafter until paid in full.

5. Purchasers' Balance Sheet dated June 22, 1981 shows a net worth of \$117,440.

6. Purchasers have the experience and financial ability to conduct the proposed operation.

7. The transfer of the operating rights from Sellers to Purchasers would not be adverse to the public interest.

8. The following order will have no reasonably foreseeable impact on the energy efficiency of highway carriers.

9. By letter dated September 29, 1981, Sellers request that the portion of the certificate not transferred be revoked.

10. The proposed security issue would be for a proper purpose.

11. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted to the extent set forth in the order which follows.

2. The money, property, or labor to be procured or paid for by the evidence of indebtedness authorized is reasonably required for the purpose specified, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

The authorization granted is not to be construed as a finding of the value of the company's property or as indicative of amounts to be included in proceedings for the determination of just and reasonable rates.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may modify or cancel the monopoly feature of these rights at any time.

O R D E R

I IS ORDERED that:

1. David La Pierre and Kharron La Pierre, copartners, may sell and transfer the operative rights specified in the application to A. J. Vint and Elisabeth Vint, copartners. This authority shall expire if not exercised by February 1, 1982, or within such additional time as the Commission may authorize.

2. Purchasers shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue Sellers' tariffs. The tariffs shall not be effective, before the date of transfer, nor before 5 days' notice is given to the Commission.
- c. Comply with General Orders Series 80, 100, and 104 and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If Purchasers elect not to transport collect-on-delivery shipments they shall file the tariff provision required by that General Order.

4. The certificate of public convenience and necessity granted to David La Pierre and Kharron La Pierre, under PU Code Section 1063.5 in Application GC 175 is revoked.

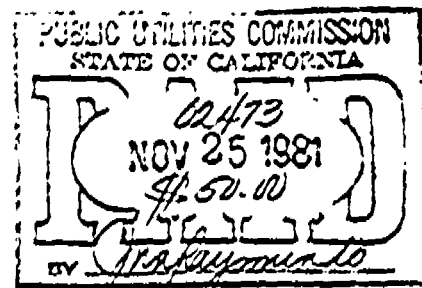
5. A. J. Vint and Elisabeth Vint, on or after the effective date of this order and on or before February 1, 1982 may issue an evidence of indebtedness in principal not exceeding \$12,000. This document shall be substantially the same as that attached to the application.

2. A. J. Vint and Elisabeth Vint shall file with the Commission the report required by General Order 24-B, which order, insofar as applicable, is made a part of this order.

3. The authority granted by this order to issue an evidence of indebtedness will become effective when the issuers have paid the \$50 minimum fee prescribed by Section 1904.1 of the PU Code. In all other respects this order becomes effective 30 days from today.

Dated NOV 13 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners



I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Joseph E. Bodovitz
-6- Joseph E. Bodovitz, Executive Director

A. J. Vint and Elisabeth Vint, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities within and between all points in the following Counties:

Alameda	Napa	Santa Clara
Butte	Nevada	Shasta
Contra Costa	Orange	Solano
El Dorado	Placer	Sonoma
Kern	Sacramento	Stanislaus
Fresno	San Bernardino	Sutter
Los Angeles	San Francisco	Yolo
Merced	San Joaquin	Yuba

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Automobiles, trucks, and buses, new and used.
3. Ordinary livestock.
4. Liquids, compressed gases, commodities in semiplastic form, and commodities in liquids in bulk in any tank truck or tank trailer.

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5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.
8. Trailer coaches and campers, including integral parts and contents when contents are within the trailer coach or camper.
9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
10. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.
11. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.

(END OF APPENDIX A)

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