

Decision 93802 DEC - 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Ruth De Anda dba)
Federal Truck to transfer her)
Highway Common Carrier Certifi-)
cate and Ruben De Anda, an)
individual, to acquire said)
Certificate (Public Utilities)
Code 851 and 1064.5).)

Application 60249
(Filed February 11, 1981)

O P I N I O N

Ruth De Anda (transferor), an individual, doing business as Federal Truck requests authority to transfer and Ruben De Anda (transferee), an individual, seeks authority to acquire a certificate of public convenience and necessity as a highway common carrier.

The certificate was issued under Public Utilities (PU) Code Section 1063.5 in Application GC 2935, on April 30, 1980. It authorizes statewide transportation of general commodities with the usual exclusions. Under PU Code Section 1064.5, such certificates may not be transferred for a period of five years except to the extent of lawfully performed actual transportation operations. Transferor has certified to operations in the Counties of Los Angeles, Orange, Riverside, and San Bernardino, and requests that the portion of the certificate not transferred be revoked.

Transferor also holds a highway contract carrier permit under File T-112,375. The permit is being transferred to the transferee under a separate application.

Transferor desires to withdraw from the transportation business and to turn over the operation, at no cost, to her son, who has been her employee. Transferee has included, as part of the application, his balance sheet of December 29, 1980 showing a net worth of \$22,000.

A copy of the application was furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of February 17, 1981. No protests to the application have been received.

Findings of Fact

1. Transferee has the experience, equipment, and financial resources necessary to perform and maintain the proposed service.
2. The proposed transfer would not be adverse to the public interest.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

The proposed transfer should be authorized. A public hearing is not necessary.

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 cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Ruth De Anda, an individual, may transfer the operative rights (and property) specified in the application to Ruben De Anda, an individual. This authority shall expire if not exercised by April 1, 1982, or within such additional time as the Commission may authorize.

2. Transferee shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the transfer document within 30 days after transfer.
- b. Amend or reissue transferor's 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.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Ruben De Anda, an individual, authorizing him to operate as a highway common carrier, as defined in PU Code Section 213, between the points listed in Appendix A.

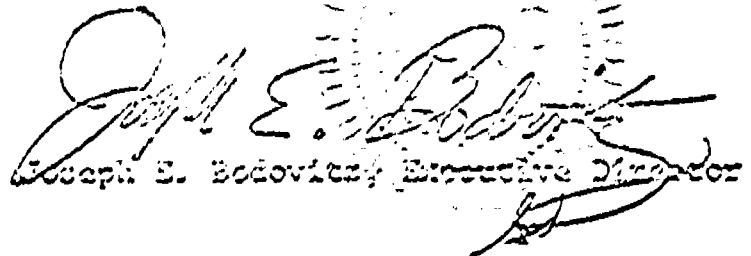
4. The certificate of public convenience and necessity granted in Application GC 2935 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated DEC 1 1981, at San Francisco, California.

JOHN E. BRYSON
President
EDWARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CAIÑO
PRISCILLA C. CREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

Ruben De Anda, by the certificate of public convenience and necessity granted in the decision noted in the margin, is 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 as follows:

Within and between points in the Counties of Los Angeles, Orange, Riverside, and San Bernardino.

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 suspension in liquids in bulk in any tank truck or tank trailer.
5. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.

Transferred from Certificate GC 2935, issued under Section 1063.5, on April 30, 1980.

Issued by California Public Utilities Commission.

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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. Fresh fruits, nuts, vegetables, logs, and unprocessed agricultural commodities.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(End of Appendix A)

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