

Decision 93803 DEC - 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)  
of Gary B. Watkins, an indivi- )  
dual to acquire, and Berton M. )  
Watkins, an individual to )  
transfer a Common Carrier )  
Certificate CG 9895 (and certain )  
property pursuant to Sections )  
851, et seq., of the California )  
Public Utilities Code.)

Application 60547  
(Filed May 13, 1981)

O P I N I O N

By this application, Berton M. Watkins (seller), an individual, doing business as Watkins Drayage seeks authority to transfer his certificate of public convenience and necessity as a highway common carrier to Gary B. Watkins (purchaser), an individual.

The certificate was acquired by the Seller, under PU Code Section 1063.5 in Application GC 9895. It authorizes the 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. Seller has certified that he has operated in the Counties of Alameda,

Contra Costa, Marin, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz. He requests the transfer of that portion of the certificate to the purchaser and the revocation of the remaining portion.

Seller desires to retire from the trucking business and to sell the certificate and certain equipment to his son, who has been in the drayage business for five years and who wishes to expand his operations. The proposed purchase price is \$9,150, of which \$150 cash shall be allocated to the operating rights. Purchaser is obligated to issue a note for \$9,000 as the purchase price for the equipment and requests authority to do so. Purchaser has attached, as part of the application, a balance sheet dated April 28, 1981, showing a net worth of \$35,470.

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 May 15, 1981. No protests to the application have been received.

Findings of Fact

1. Purchaser has the ability and sufficient financial resources to conduct the proposed operation.
2. The proposed note is for lawful purposes.

3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

The proposed transfer is not adverse to the public interest and 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. Berton M. Watkins, an individual, may sell and transfer the operative rights and other property specified in the application to Gary B. Watkins, an individual. This authority shall expire if not exercised by April 1, 1982, or within such additional time as the Commission may authorize.

2. Purchaser 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 seller'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 Gary B. Watkins, 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 9895 is revoked on the effective date of the tariffs.

5. On or after the effective date of this order, but before April 1, 1982, for the purpose specified, purchaser may issue an evidence of indebtedness in a principal amount not exceeding \$9,000. This document shall be substantially the same as that attached to the application.

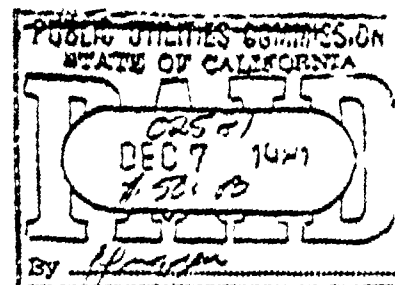
The authority granted by this order to issue an evidence of indebtedness will become effective when the issuer pays \$50, set by PU Code Section 1904(b). In all other respects this order becomes effective 30 days from today.

Dated DEC 1 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
V. FOR CALVO  
PATRICIA C. CREW  
Commissioners

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

*Joseph E. Bedovitch*  
Joseph E. Bedovitch, Executive Director



Appendix A

Gary B. Watkins  
(an individual)

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Gary B. Watkins 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 PU Code Section 213 for the transportation of general commodities as follows:

Within and between all points in the counties of Alameda, Contra Costa, Marin, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz.

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 semi-plastic 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.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Original Certificate, GC 9895, issued under to Section 1063.5 on April 30, 1980.

Issued by the California Public Utilities Commission.

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Noncontinuity Transfer-PU Code Section 1064.5 applies.

Appendix A.

GARY B. WATKINS  
(an individual)

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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)

Issued by the California Public Utilities Commission.

Decision 93803, Application 60547.  
Noncontinuity Transfer-Section 1064.5 of PU Code applies.