

Decision 93808

DEC - 1981

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF STATE OF CALIFORNIA

In the Matter of the Application )  
of HARRY A. TULLEY, an individual, )  
doing business as TULLEY TRUCKING )  
CO., to transfer to, and of TULLEY )  
TRUCKING, INC., a corporation, to )  
acquire a Certificate of Public )  
Convenience and Necessity as a )  
highway common carrier (Public )  
Utilities Code 851 and 1063). )

Application 60750  
(Filed July 20, 1981)

O P I N I O N

By this application, Harry A. Tulley (Seller), an individual doing business as Tulley Trucking Co., seeks authority under Public Utilities (PU) Code Section 851 to transfer his certificate of public convenience and necessity as a highway common carrier to Tulley Trucking, Inc. (Purchaser), a California corporation.

The certificate was transferred to Seller by Decision 70380, dated February 23, 1966, in Application 48077, under File T-84,082. It authorizes transportation of general commodities, with the usual exclusions, between all points and places in the Los Angeles Territory. The certificate is the subject of a coextensive Certificate of Registration issued by the Interstate Commerce Commission in Docket MC-121602.

There have been issued and are outstanding 200 shares of common stock of the Purchaser corporation. One hundred and two shares are owned by the Seller and his wife. Ninety-eight shares are held by Richard C. Eidson and his wife, directors of the Purchaser corporation. Seller will be the chief executive officer and president of Purchaser. He will continue to participate and devote essentially all of his time and energies to the operations of the corporation, and with his wife will hold a majority interest in the stock of the corporation. Essentially there will be no change in the motor carrier operations as previously conducted by Seller.

No written contract has been executed for the purchase and sale of the certificate sought to be transferred. However, the parties have orally agreed that the consideration for the purchase of the operating authority is \$500.

Applicants have requested a deviation from the Commission's Rules of Practice and Procedure which require wide distribution of the application. Notice of the filing of the application was published in the Commission's Daily Calendar of July 23, 1981. No protests to the application have been received.

Findings of Fact

1. The proposed transfer of the certificate would not be adverse to the public interest.
2. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

Conclusions of Law

1. The proposed transfer should be authorized.
2. A public hearing is not necessary.
3. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.

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.

The new certificate will not broaden or change the interstate or foreign commerce rights now held by the Seller.

O R D E R

IT IS ORDERED that:

1. Harry A. Tulley may sell and transfer the operative rights specified in the application to Tulley Trucking, Inc. 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 or 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. File an annual report of seller's operations for the period from the first day of the current year to the date of transfer.
- e. 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 Tulley Trucking, Inc., a corporation, authorizing it 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 by Decision 70380 is revoked on the effective date of the tariffs.

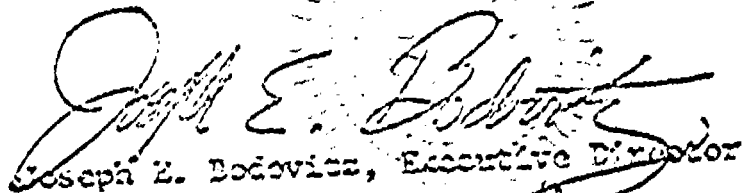
5. The requested deviation from the Commission's Rules of Practice and Procedure is granted.

This order becomes effective 30 days from today.

Dated DEC 1 1981, at San Francisco, California.

JOHN F. BRYSON  
President  
RICHARD B. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR GALVO  
TRISCHILLA C. CREW  
Commissioners

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

  
Joseph E. Bodovick, Executive Director

Tulley Trucking, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between:

All points and places in the Los Angeles Territory, more particularly described as follows: Beginning at the intersection of Sunset Boulevard and State Highway 1; then northeasterly on Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; easterly along Colorado Boulevard to State Highway 19; southerly along State Highway 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway 26; westerly along State Highway 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway 19, southerly along State Highway 19 to its intersection with State Highway 1, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; then northerly along an imaginary line to point of beginning.

Applicant shall not transport any shipments of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item 10-C of Minimum Rate Tariff 4-A.

Issued by California Public Utilities Commission.

Decision 93608, Application 60750.

2. Automobiles, trucks and buses, viz.: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine.
4. Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

(End of Appendix A)

Issued by California Public Utilities Commission.

Decision 93808, Application 60750.