

Decision 93810 DEC - 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of John H. Wedge, dba)
Wedge Trucking Company, to)
transfer his highway Common Car-)
rier Certificate, and Technology)
Distribution System Co., a Part-)
nership, to acquire said)
certificate. (Public Utilities)
Code 851 and 1064.5.))

Application 60797
(Filed August 6, 1981)

O P I N I O N

John H. Wedge (Seller), an individual, doing business as Wedge Trucking Company, seeks authority to sell and transfer his highway common carrier operating rights to Leroy M. Bright and Craig Kurisu (Purchasers), a partnership, doing business as Technology Distribution System Co.

Seller holds a statewide certificate of public convenience and necessity to operate as a highway common carrier issued under Public Utilities (PU) Code Section 1063.5 in

Application GC 133 under File T-97,582. He has certified to operations conducted in good faith under that authority in the Counties of:

| | | |
|--------------|-----------------|---------------|
| Alameda | Napa | San Mateo |
| Butte | Nevada | Santa Barbara |
| Contra Costa | Orange | Santa Clara |
| El Dorado | Placer | Santa Cruz |
| Fresno | Riverside | Solano |
| Imperial | Sacramento | Sonoma |
| Kern | San Benito | Stanislaus |
| Los Angeles | San Bernardino | Sutter |
| Marin | San Diego | Tulare |
| Mendocino | San Francisco | Ventura |
| Merced | San Joaquin | Yolo |
| Monterey | San Luis Obispo | Yuba |

Under PU Code Section 1064.5, only that portion of the certificate which has been exercised may be transferred. Seller requests that the remaining portion of the certificate be revoked.

Seller also holds a highway contract carrier permit which is being transferred to Purchasers by separate application.

Purchasers are a partnership engaged in transporting goods in interstate and foreign commerce. They allege that the grant of this application would enable them to better serve the needs of their customers.

Seller and Purchasers have entered into an agreement in which Purchasers agree to purchase the operating rights for \$500 payable in cash.

Purchasers' balance sheet, dated June 30, 1981, shows a net worth of \$111,326.

Seller adopted the Commission's Transition Tariffs 2 and 15, and Exception Rating Tariff. It is the intention of Purchasers to adopt those tariffs.

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 August 12, 1981. No protests to the application have been received.

Findings of Fact

1. Purchasers have the ability, including financial ability, to conduct the proposed operations.
2. The order which follows has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. The proposed transfer is not adverse to the public interest and should be authorized.
2. 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. John H. Wedge, an individual, may sell and transfer the operative rights specified in the application to Leroy M. Bright and Craig Kurisu, a partnership, doing business as Technology Distribution System Co. This authority shall expire if not exercised by April 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 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 Leroy M. Bright and Craig Kurisu, a partnership, doing

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business as Technology Distribution System Co., authorizing them to operate as a highway common carrier, as defined in PU Code ~~Section~~ Section 213, between the points listed in Appendix A. *ka*

4. The certificate of public convenience and necessity granted by Application GC 133 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
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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

Joseph E. Bodovitz
Joseph E. Bodovitz, Executive Director

Appendix A LEROY M. BRIGHT AND CRAIG KURISU Original Page 1
(a partnership doing business as
Technology Distribution System Co.)

Leroy M. Bright and Craig Kurisu, a partnership, 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 all points in the Counties of:

| | | |
|--------------|-----------------|---------------|
| Alameda | Napa | San Mateo |
| Butte | Nevada | Santa Barbara |
| Contra Costa | Orange | Santa Clara |
| El Dorado | Placer | Santa Cruz |
| Fresno | Riverside | Solano |
| Imperial | Sacramento | Sonoma |
| Kern | San Benito | Stanislaus |
| Los Angeles | San Bernardino | Sutter |
| Marin | San Diego | Tulare |
| Mendocino | San Francisco | Ventura |
| Merced | San Joaquin | Yolo |
| Monterey | San Luis Obispo | 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.

Transferred from Certificate GC 133, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

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(a partnership doing business as
Technology Distribution System Co.)

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.
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)

Transferred from Certificate GC 133, issued under PU Code Section 1063.5 on April 30, 1980.

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