

ORIGINAL

Decision 93869 DEC 15 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)  
of BLUE LINE TRANSPORTATION )  
COMPANY, INC. for authority to )  
purchase the operating authority)  
issued by the CALIFORNIA P.U.C. )  
to CITIZENS WAREHOUSE TRUCKING )  
COMPANY, INC. )

Application 60834  
(Filed August 21, 1981)

O P I N I O N

Citizens Warehouse Trucking Company, Inc. (seller), a California corporation, requests authority to sell and Blue Line Transportation Company, Inc. (purchaser), a California corporation, seeks authority to purchase a certificate of public convenience and necessity as a highway common carrier.

The certificate, originally issued under Public Utilities (PU) Code Section 1063, was transferred to seller by Decision (D.) 60458 dated August 2, 1960 in Application 42339. The certificate authorizes the transportation of general commodities, with the usual exclusions, between most points and places within the Los Angeles Basin Territory and between that territory, on the one hand, and, on the other hand, the San Diego Territory, with

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service to certain intermediate points. The certificate is also the subject of a co-extensive Certificate of Registration issued by the Interstate Commerce Commission (ICC) in Docket No. MC-89007. Seller also holds a highway common carrier certificate issued under PU Code Section 1063.5 by Application GC 1750, which authorizes statewide transportation of general commodities, and a highway contract carrier permit under File T-68638.

Purchaser holds a certificate of public convenience and necessity as a highway common carrier authorizing transportation of general commodities between all points in the State of California issued under PU Code Section 1063.5 in Application GC 1750. Purchaser also holds various permits under File T-126597.

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The net result of the transfer of the certificate will be to ~~the~~ transfer the co-extensive Certificate of Registration. No additional intrastate operating authority will accrue to the purchaser in that it already holds a highway common carrier certificate issued under PU Code Section 1063.5, as noted above, which completely overlaps the certificate being transferred.

Seller is terminating its interest in the motor carrier field because its officers wish to retire. The property and equipment have been sold and only the operating authority is

subject matter for this application. Seller, however, has not requested that its 1063.5 certificate be revoked. The purchase price agreed to is \$5,000, contingent upon approval by this Commission and ICC.

Purchaser's balance sheet, dated December 31, 1980, shows a net worth of \$110,625 and current assets of \$160,728.

Applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. 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 26, 1981. No protests have been received.

The two certificates held by the seller were acquired under different provisions of the Public Utilities Code. They are considered as one authority inasmuch as the certificate acquired under Section 1063.5 totally overlaps the certificate requested to be transferred by this application. We have held on numerous occasions that to the extent that one certificate duplicates, in whole or in part, any other certificated authority held by a carrier, such operative rights may not be separated to allow the sale or transfer of one or more of such duplicating rights or portion of them and the retention of another certificated right to perform the same service. This requirement is specifically set

forth in paragraph (2) of the Section 1063.5 certificate. Accordingly, the certificated authority which is retained by the seller will be amended to reflect the transfer of the operating rights which are the subject of this application.

Findings of fact

1. Purchaser has the experience and financial ability to perform and maintain the proposed service.
2. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.
3. The new certificate issued to the purchaser will not broaden or change the interstate or foreign commerce rights now held by the seller.
4. The following order 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. A public hearing is not necessary.
2. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.

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The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Citizens Warehouse Trucking Company, Inc., which was acquired by (D.) 60458 and the issuance of an in lieu certificate of public convenience and necessity in appendix form to Blue Line Transportation Company, Inc., a California corporation. The certificate held by Citizens Warehouse Trucking Company, Inc., acquired under PU Code Section 1063.5 will be amended to delete the authority transferred under this order.

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. Citizens Warehouse Trucking Company, Inc., a California corporation, may sell and transfer the operative rights specified in the application to Blue Line Transportation Company, Inc., a

California corporation. 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. 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 Blue Line Transportation Company, 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 issued to Citizens Warehouse Trucking Company, Inc., by PU Code Section 1063.5 on April 30, 1980 in Application GC 1750 is amended as set forth in Appendix B. Seller shall amend or reissue its tariffs on file with the Commission.

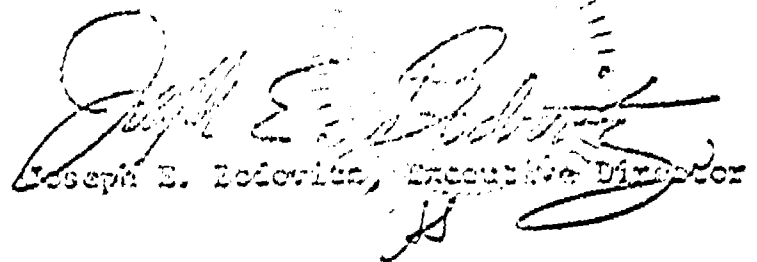
5. The certificate of public convenience and necessity transferred to seller by (D.) 60458 is revoked on the effective date of the tariffs required by paragraph 2b.

This order becomes effective 30 days from today.

Dated DEC 15 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
FRISCHILLA C. GREW  
Commissioners

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

  
Joseph B. Bolovita, Executive Director

Blue Line Transportation Company, Inc., a California corporation, by certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities:

- (1) Between all points and places within the Los Angeles Basin Territory, as set forth in Note A, except that applicant shall not transport shipments between points both of which are located within that portion of Los Angeles Basin Territory, which lies east of State Highway 39.
- (2) Between the Los Angeles Basin Territory, on the one hand, and, on the other hand, the San Diego Territory, as set forth in Note B; over Interstate Highway 5 and Interstate Highway 15 serving all intermediate points on Interstate Highway 5 and all points laterally within five miles of that portion of Interstate Highway 5 extending from the Los Angeles Basin Territory to the San Diego Territory, including Camp Pendleton.

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.
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.

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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. 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.
5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Logs.

## NOTE A

## LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes the area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; northeasterly along the county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along the corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along the county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to the corporate boundary of the City of Redlands; westerly and northerly along the corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southwestly along State Highway 60 and Interstate Highway 15 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along the corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the City of Hemet,; southerly, westerly, and northerly along the corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwestly along the right of way to Washington Avenue; southerly along Washington Avenue, through and including

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Appendix A

BLUE LINE TRANSPORTATION  
COMPANY, INC.  
(a California corporation)

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the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting Interstate Highway 15, 2.1 miles north of the unincorporated community of Temecula; southerly along the county road to Interstate Highway 15, south-easterly along Interstate Highway 15 to the Riverside County-San Diego County boundary line; westerly along the boundary line to the Orange County-San Diego County boundary line; southerly along the boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

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Appendix A

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SAN DIEGO TERRITORY

NOTE B

San Diego Territory includes that area embraced by the following imaginary line starting at Interstate Highway 4 miles north of La Jolla; easterly to Miramar on Interstate Highway 15; southeasterly to Lakeside on the El Cajon-Ramona Highway; southerly to Bostonia on Interstate Highway 8; southeasterly to Jamul on State Highway 94; due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

(End of Appendix A)

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Appendix B  
Amendment to  
Section 1063.5  
Certificate

CITIZENS WAREHOUSE TRUCKING  
COMPANY, INC.  
(a California corporation)

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Citizens Warehouse Trucking Company, Inc., by the certificate of public convenience and necessity issued under Section 1063.5 of the Public Utilities Code, in Application GC 1750, is authorized to conduct operations, as a highway common carrier as defined in Section 213 of the Public Utilities Code, between all points in the State of California for transportation of general commodities except as follows:

- (1) Between all points and places within the Los Angeles Basin Territory, as set forth in Note A of Appendix A except that applicant may transport shipments between points both of which are located within that portion of Los Angeles Basin Territory, which lies east of State Highway 39.
- (2) Between the Los Angeles Basin Territory, on the one hand, and, on the other hand, the San Diego Territory, as set forth in Note B Appendix A over Interstate Highways 5 and 15 serving all intermediate points on Interstate Highway 5 and all points laterally within five miles of that portion of Interstate Highway 5 extending from the Los Angeles Basin Territory to the San Diego Territory, including Camp Pendleton.
- (3) Carrier shall not perform the following transportation:

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Appendix B  
Amendment to  
Section 1063.5  
Certificate

CITIZENS WAREHOUSE TRUCKING  
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- a. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesman's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trucks, lift vans, barrels, boxes cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting) except when transported in vehicles containing any other type of freight subject to this certificate.
- b. Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep camp outfits, sows, steers, stags, swine or wethers.
- c. Petroleum or petroleum products in tank trucks or tank trailers.
- d. Mining, building, paving and construction material, except cement or liquids, when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
- e. Portland or similar cements in bulk or packages, when loaded substantially to capacity of motor vehicle.

(END OF APPENDIX B)

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