

Decision No. 36355

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

|  |   |                       |
|--|---|-----------------------|
| In the Matter of the Application of    | ) |                       |
| T. F. BURNS to sell, and of GENE       | ) |                       |
| MORRISON, dba ASSOCIATED TRANSPOR-     | ) |                       |
| TATION COMPANY, to purchase, equipment | ) | Application No. 25449 |
| and operative rights as a highway      | ) |                       |
| common carrier between Marysville      | ) |                       |
| and Yuba City, and between Marysville  | ) |                       |
| and Camp Beale (Marysville Army Can-   | ) |                       |
| tonment.)                              | ) |                       |

BY THE COMMISSION:

O P I N I O N

In the above-entitled application T. F. Burns requests authority of the Commission to sell and transfer all of his highway common carrier operative rights and three trucks to Gene Morrison, doing business as Associated Transportation Company. Gene Morrison requests authority to purchase and acquire such operative rights and equipment and thereafter to operate thereunder.

The operative rights proposed to be transferred were created by the Commission's Decision No. 34343 (Application No. 24189) and Decision No. 35253, as modified by Decision No. 35405 (Application No. 24849). Service under these certificates is provided between Marysville and Yuba City, and between Marysville and Marysville Army Cantonment. It is restricted to traffic having a prior or subsequent rail movement.

The consideration involved in the proposed transfer is

\$1800. It is stated that this amount represents the value of the equipment used in the performance of the transportation service. We have made no examination of the properties herein proposed to be transferred to determine their value. The authorization herein given for their transfer shall not be taken as a finding in any respect to such value for any purpose whatsoever.

After due consideration applicants' request appears to be in the public interest and will be granted. No public hearing is necessary.

O R D E R

IT IS ORDERED as follows:

(1) T. F. Burns may sell and transfer to Gene Morrison, doing business as Associated Transportation Company, and said Gene Morrison may purchase and acquire the highway common carrier operative rights created by the Commission's Decision No. 34343 and Decision No. 35252, as modified by Decision No. 35405, together with the automotive equipment described in the agreement attached to the application and marked Exhibit "A."

(2) The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act, and further to the condition that Gene Morrison, his successors and assigns shall never claim before this Commission or any court or other public body a value for said operative rights or claim as the cost thereof an amount in excess of that paid for said rights by those to whom said rights were originally granted.

(3) Applicants shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No.

93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of May, 1943.

Francis L. Havens  
H. K. K. K.  
Justin F. Cooney  
Richard L. ...  
Anna ...  
COMMISSIONERS