

Decision No. ~~37300~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ANAHEIM TRUCK AND TRANSFER COMPANY, a)
Corporation, and JOSEPH B. COLLINGS)
and CHARLES A. PEARSON, co-partners)
doing business under the firm name and)
style of ANAHEIM TRUCK AND TRANSFER CO.)

Application No. 26238

(for authority to transfer operative)
right and equipment by corporation to)
co-partners.)

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Anaheim Truck and Transfer Company is a corporation con-
ducting a highway common carrier service for the transportation of
certain commodities, between certain points, as follows:

Citrus fruits and fertilizer between Anaheim and Los
Angeles Harbor (Wilmington and San Pedro).

Oil and oil products in truck-load lots of ten tons
or over between Anaheim and El Segundo.

Building material, lubricating oils and greases,
pumps, nursery stock and return of empty containers
between Los Angeles and Vernon, on the one hand,
and Fullerton and Anaheim, on the other hand.

Joseph B. Collings and Charles A. Pearson are associated
as co-partners in the aforesaid trucking business, in which each
has an equal interest and which they propose to continue under the
firm name of Anaheim Truck and Transfer Company.

Applicant corporation proposes to wind up and dissolve
the affairs of said corporation, and to transfer all its assets,
including operative rights and equipment, to Joseph B. Collings

(1) Decision No. 17504, in Application No. 11535, dated October
21, 1926.

and Charles A. Pearson as co-partners. Said co-partners are the owners of all the issued and outstanding stock of applicant corporation, and have been actively engaged in the business of the corporation since 1920. No change in personnel is contemplated and the business will be continued as heretofore.

The dissolution of the corporation is being carried out in accordance with the provisions of Section 400 of the Civil Code of California. The shareholders and directors have consented to the winding up of the affairs of the corporation and the distribution of its assets. Said co-partners will assume all of the corporate debts, obligations and liabilities. No consideration is to be paid by the partnership for the property to be transferred. The transaction merely contemplates the substitution of the partnership for the corporation in the conduct of the business.

Accompanying the application is a copy of the articles of co-partnership, of bill of sale, consents, list of equipment, and financial statements of the corporation and of the individual co-partners.

It appears to us that the request for authorization of the transfer is reasonable, and the application will be granted. A public hearing is not necessary, in our judgment.

Joseph B. Collings and Charles A. Pearson, co-partners, are placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a

class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

Application having been made as above entitled, and good cause appearing,

IT IS ORDERED AS FOLLOWS:

(1) That Anaheim Truck and Transfer Company, a corporation, be and it hereby is authorized to transfer to Joseph B. Collings and Charles A. Pearson, co-partners, doing business as Anaheim Truck and Transfer Company, and the latter are authorized to acquire and thereafter operate thereunder, the operative right created by Decision No. 17504, and the equipment described in Application No. 26238.

(2) That applicants herein 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 appropriate tariffs and time tables 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, August 16, 1944.

Richard L. Baker
Justus F. Calmes
Francis R. Havenue
Frank A. Chou
Frank H. Powell
COMMISSIONERS