

Decision No. 37731

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 V. P. HUNT, as transferor, and V. P.)
 HUNT COMPANY, a partnership, as)
 transferee, for authority to transfer) Application No. 26537
 a certificate of public convenience)
 and necessity, as a highway common)
 carrier.)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

This application is filed for the purpose of clarifying certain operative rights now held in the name of V. P. Hunt, authorizing the transportation of certain named commodities between Yucaipa Valley territory and Los Angeles.

The right was originally granted to A. J. Happe, and
 upon his death passed by inheritance to Carrie Happe. Thereafter,
 Carrie Happe filed an application for authority to transfer the
 certificate to V. P. Hunt, and this transfer had the Commission's
 approval. However, applicant now declares that in the earlier
 transfer application it was erroneously stated that V. P. Hunt,
 individual, was to be the purchaser. Applicant refers to the
 agreement of sale and purchase, entered into between the parties,
 which shows the purchaser to be V. P. Hunt Company and not V. P.
 Hunt, an individual.

The transfer herein proposed is designed to correct an

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- (1) Decision No. 12422, dated July 21, 1923, on Application No. 8989.
 - (2) Decision No. 17859, dated January 11, 1927, on Application No. 13450.
 - (3) Decision No. 36422, dated June 8, 1943, on Application No. 25509.

apparent error, and to vest title to the operative right to V. P. Hunt Company, as originally intended. The order will so provide. No consideration is to be paid by the transferee for the operative right. A public hearing is not necessary.

V. P. Hunt Company is hereby 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

Good cause appearing,

IT IS ORDERED:

(1) That V. P. Hunt is authorized to sell and transfer, and V. P. Hunt, Marion B. Hunt and R. B. Sprich, partners, to acquire the highway common carrier operative rights described in Decision No. 36422 and thereafter to operate thereunder.

(2) That applicants shall comply with the provisions of 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 one (1) day's notice to the Commission and the public.

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

Dated at San Francisco, California, this 13th day of March, 1945.

Howard C. Anderson
Justus J. Cullen
Richard H. Lusk
Howard C. Anderson
Irving S. Powell
COMMISSIONERS