

Decision No. 40599

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Ben O. Young)
 and Claude A. Beagle dba Julian-Warner Truck)
 Line, to sell, and of Claude A. Beagle and Robert)
 Twedt dba Julian-Warner Truck Line, to)
 purchase an automobile freight line operating) Application
 between San Diego and Oak Grove and intermediate) No. 28608
 points, San Diego and Julian and intermediate)
 points, and San Diego and Mesa Grande and)
 intermediate points.)
 -----)

OPINION AND ORDER

This application shows that Ben O. Young and Claude A. Beagle, co-partners doing business under the firm name and style of Julian-Warner Truck Line, are engaged in business as highway common carriers transporting property between San Diego and Oak Grove and intermediate points; between San Diego and Julian and intermediate points; and between San Diego and Mesa Grande and intermediate points, under certificates of public convenience and necessity acquired by them from W. W. Wood pursuant to Decision No. 39066, dated June 11, 1946.

Ben O. Young asks permission to sell a one-half interest in the business including the certificates and equipment to Robert Twedt for \$7,500. A copy of the agreement of sale is on file in this application as Exhibit "A". Said Twedt and Beagle, the remaining partner, propose to organize a new partnership which under the name of Julian-Warner Truck Line will continue the operations and which will assume the obligations and indebtedness of the present partnership. The obligations and indebtedness include the balance due on the promissory note for \$4,000 to W. W. Wood payable on or before July 1, 1956 for the purchase of the properties and rights; and \$1,243.26 payable to White Company

for the purchase of a tractor. The physical properties include six units of automotive equipment and office furniture.

Applicants are 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.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary and that the application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED as follows:

1. Ben O. Young may transfer, after the effective date hereof and on or before September 30, 1947, to Robert Twedt for \$7,500 a one-half interest in the business operated by Ben O. Young and Claude A. Beagle under the name and style of Julian-Warner Truck Line including the operative rights acquired by them pursuant to the authority granted by Decision No. 39066 dated June 11, 1946, said transfer to be made pursuant to the terms and conditions of the agreement of sale on file in this application as Exhibit "A". Said Claude A. Beagle and Robert Twedt, proposing to do business under the name and style of Julian-Warner Truck Line may continue operations under the certificates of public convenience and necessity acquired by said Ben O. Young and Claude A. Beagle pursuant to the authority granted by Decision No. 39066

dated June 11, 1946 and may assume the payment of the outstanding obligations of Ben O. Young and Claude A. Beagle referred to in said Exhibit "A".

2. 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) days notice to the Commission and to the public.

3. The authority herein granted is not to be construed to be a finding of value of the properties herein authorized to be transferred.

4. The authority herein granted will become effective twenty (20) days from the date hereof.

Dated at San Francisco California, this 12th day of August, 1947.

Harold P. Hills
Justin F. Gattner
Leo H. Facell
A. Z. [unclear]
Samuel H. Patten

Commissioners