

APPROVED  
JUL 10 1947

Decision No. 41102

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of  
R. H. HIGGINBOTHAM, FLORANE FREELAND  
HIGGINBOTHAM and RICHARD O. RICHARDS,  
a copartnership, doing business as  
OROVILLE TRUCK AND STORAGE COMPANY, to  
sell, and of WALLACE H. HIGGINBOTHAM  
and RICHARD O. RICHARDS, a copartnership,  
to purchase equipment and operating rights  
as a highway common carrier between Oro-  
ville and Oroville Junction, Butte County,  
California.

Application  
No. 28954

OPINION AND ORDER

This application shows that R. H. Higginbotham, Florane  
Freeland Higginbotham and Richard O. Richards, partners doing  
business under the name of Oroville Truck and Storage Company, are  
engaged, among other things, in business as highway common carriers  
under a certificate of public convenience and necessity acquired  
pursuant to authority granted by Decision No. 39040, dated June  
5, 1946, covering the transportation of property moving in the  
custody of Sacramento Northern Railway between Oroville and  
Oroville Junction, and that they now desire to transfer their  
operative rights and properties to a new partnership consisting  
of Wallace H. Higginbotham and Richard O. Richards. (1)

The properties to be transferred include the certifi-  
cate of public convenience and necessity, ten motor vehicles and  
miscellaneous equipment. The consideration to be paid, according to

(1) For the year ending June 30, 1947, the present owners report  
revenues from carrier operations at \$10,968.69 and from other  
operations at \$11,044.36, a total of \$22,013.05, with net profits  
of \$4,623.29. They report their total assets as of June 30,  
1947, at \$18,897.44 and liabilities at \$5,066.58.

the application, is \$18,099.62, with no part thereof being assigned by applicants to the operative rights.

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 action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

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. R. H. Higginbotham, Florane Freeland Higginbotham and Richard O. Richards, after the effective date hereof and on or before February 28, 1948, may transfer to Wallace H. Higginbotham and Richard O. Richards the operative rights and properties referred to herein, and Wallace H. Higginbotham and Richard O. Richards may acquire and operate such rights and properties.

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, ap-

propriate 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 to the public.

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

Dated at San Francisco, California, this 6th day of January, 1948.

Harold A. Hule  
Justin J. Casner  
Frank H. Hule  
R. T. Hule  
Quentin P. Hule  
Commissioners