

ORIGINAL

Decision No. 41551

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
UNION TRANSFER & STORAGE COMPANY of)
LOS ANGELES to sell, and CHARLES A.)
PEARSON, doing business as ANAHEIM)
TRUCK & TRANSFER CO. to purchase, a)
certificate of public convenience)
and necessity authorizing the trans-)
portation of property as a highway)
common carrier between Los Angeles)
and Artesia, California.)

Application No. 29241

O P I N I O N

Union Transfer & Storage Company of Los Angeles, one of the applicants herein, owns and operates a highway common carrier service between Los Angeles and Artesia, serving the two intermediate points of Downey and Norwalk, under a certificate heretofore granted by the Commission's Decision No. 31927 on Application No. 20833, and transferred to said applicant pursuant to authority granted by Decision No. 33429 on Application No. 23479.

In the instant application Union Transfer & Storage Company of Los Angeles proposes to sell, and applicant Charles A. Pearson, doing business as Anaheim Truck & Transfer Co. proposes to buy, the operative rights evidenced by Decision No. 33429, in accordance with an agreement entered into by the parties on March 6, 1948, a copy of which is attached to the application. By the terms of said agreement the amount to be paid for the operating rights proposed to be transferred is \$3,000 cash. No equipment or other tangible property is involved in the transaction. The transfer as proposed herein does not appear to be adverse to the public interest and the application will be granted. However, the action taken herein shall not be

construed to be a finding of the value of the rights herein involved.

There appears to be no necessity for a public hearing.

Charles A. Pearson 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

Application having been filed as above entitled and the Commission being advised in the premises, and having found that said transfer should be authorized,

IT IS ORDERED:

1. That Union Transfer & Storage Company of Los Angeles is hereby authorized to sell and transfer to Charles A. Pearson, and the latter is hereby authorized to purchase and acquire from said Union Transfer & Storage Company of Los Angeles, and thereafter operate thereunder, all of the right, title and interest in and to the operative right created by Decision No. 33429, in Application No. 23479.

2. Applicant shall comply with the provisions of General Orders No. 80 and No. 93-A, by filing in triplicate and concurrently making effective, appropriate tariffs and time tables within 60 days

from the date hereof and on not less than 5 days' notice to the Commission and to the public.

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

Dated at Los Angeles, California, this 4th day of May, 1948.

R. T. Anderson
Justus J. Calver
Wm. H. Powell
Harold P. Kite
Samuel D. Potter
COMMISSIONERS