

ORIGINAL

Decision No. 42329

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WILLIAM P. BROWN, WILLIAM P. BROWN, JR.,
 and WOODROW WILSON KIRK, co-partners,
 doing business under the firm name of
 BEEKAY FILM DELIVERY, to sell, and
 WILLIAM P. BROWN, WILLIAM P. BROWN, JR.,
 and ROBERT F. BROWN, co-partners, doing
 business under the firm name of BEEKAY
 FILM DELIVERY, to purchase an automobile
 freight line between various points in
 Southern California.

Application
No. 29883

OPINION AND ORDER

This application shows that William P. Brown, William P. Brown, Jr., and Woodrow Wilson Kirk, co-partners doing business under the firm name of Beekay Film Delivery, are engaged in the operation of an automobile freight line as a highway common carrier for motion picture films, theater supplies and accessories generally between Long Beach, Wilmington, Torrance, Compton, Huntington Park, Redondo Beach, Clearwater, Artesia, Downey, Los Angeles and intermediate points, and that said Woodrow Wilson Kirk desires to withdraw from the partnership in order to devote his time to other activities. It appears that arrangements accordingly have been made for said co-partners to transfer their operative rights and properties to a new partnership to consist of William P. Brown, William P. Brown, Jr., and Robert F. Brown in accordance with the terms of an agreement dated December 1, 1948 filed in this proceeding as Exhibit "A".

The properties to be transferred include a certificate of public convenience and necessity granted by the Commission by Decision No. 40302 dated May 20, 1947, in Application No. 28193, one 1940 Chevrolet truck, one 1940 Ford truck, one 1939 Ford V-8 truck with spare tires for each of said trucks, and office

equipment, furniture, supplies and accessories. The consideration to be paid is the sum of \$12,000. The effect of the present transaction would be that Robert F. Brown would replace applicant Kirk in the partnership and that said Robert F. Brown would pay Woodrow Wilson Kirk \$4,000 for his interest.

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 application and is of the opinion that a public hearing thereon is not necessary and that the application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED as follows:

1. William P. Brown, William P. Brown, Jr., and Woodrow Wilson Kirk, may, after the effective date hereof and on or before January 31, 1949, sell and transfer the operative rights and properties referred to herein, to William P. Brown, William P. Brown, Jr., and Robert F. Brown, such sale and transfer to be in accordance with the terms of the agreement filed in this proceeding as Exhibit "A".

2. Applicants shall comply with the provisions of General Order No. 30 and part IV of General Order No. 93-A by

filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within 90 days from the effective date hereof and on not less than one days' notice to the Commission and to the public.

3. The action taken herein shall not be construed to be a finding of the value of the rights and 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 21st day of December 1948.

R. T. [Signature]
Justus F. Casner
Joseph H. [Signature]
Harold H. [Signature]
Samuel P. [Signature]

Commissioners