

Decision No. 42330

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of FLOYD CROSS and HARRIET CROSS, copartners, to sell, and WILSON KIRK, doing business as Antelope Valley Milk Transport, to purchase automobile freight line operated between points in the Antelope Valley south of Rosamond, including Rosamond, and Saugus, Newhall, Burbank and Los Angeles.

Application
No. 29888

OPINION AND ORDER

In this application, Floyd Cross and Harriet Cross who are engaged in the operation of an automobile truck line for the transportation of freight between Los Angeles and Burbank on the one hand, and Newhall, Saugus and Antelope Valley points on the other hand, report that they desire to sell their operative rights and properties to Wilson Kirk, and accordingly, that they entered into an agreement dated December 1, 1948 to dispose of them to him for the sum of \$9,000. A copy of the agreement is on file in this application.

The operative rights proposed to be transferred were acquired by said Floyd Cross and Harriet Cross under the authority granted by the Commission by Decision No. 36759 dated December 7, 1943, in Application No. 25818. The truck properties consist of three Chevrolet tractors, one GMC truck, one Trailmobile semi-trailer and one B & J semi-trailer. The consideration to be paid by said Kirk is the sum of \$9,000, of which \$7,000 will be payable on or before January 2, 1949, and \$2,000 on or before January 2, 1950.

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. Floyd Cross and Harriet Cross, after the effective date hereof and on or before January 31, 1949, may sell and transfer to Wilson Kirk the operative rights and properties referred to herein, such sale and transfer to be in accordance with the terms of the agreement dated December 1, 1948, on file in this application.
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 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 after the date hereof.

Dated at San Francisco, California, this 21st day of December 1948.

R. T. [Signature]
Justin F. [Signature]
[Signature]
Harold P. [Signature]
[Signature]

Commissioners