

ORIGINAL

Decision No. 40599

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CLAUDE A. BEAGLE and ROBERT TWEDT,)
 dba JULIAN-WARNER TRUCK LINE, to sell,)
 and of CLAUDE A. BEAGLE and KATHERINE C.)
 BEAGLE, dba JULIAN-WARNER TRUCK LINE, to)
 purchase, an automobile freight line) Application No. 30685
 operating between San Diego and Oak Grove)
 and intermediate points, San Diego and)
 Julian and intermediate points, and)
 San Diego and Mesa Grande and intermediate)
 points.)

O P I N I O N

Claude A. Beagle and Robert Twedt, copartners, doing business as Julian-Warner Truck Line, are now operating as highway common carriers of property pursuant to authority granted in Decision No. 40599, on Application No. 28608.

Robert Twedt requests authority to sell his interest in said partnership to Katherine C. Beagle, and the latter, with her husband, Claude A. Beagle, proposes to continue to operate the business as a partnership under the name and style of Julian-Warner Truck Line.

The operating rights are described in Decisions Nos. 18529 and 33712. Generally, they authorize the transportation of 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.

The agreement of sale, dated July 9, 1949, Exhibit A filed with this application, provides that Robert Twedt is to

receive for his one-half interest in the partnership the sum of One Thousand Dollars (\$1,000), Five Hundred Dollars (\$500) to be paid upon execution of said agreement, and a promissory note in the sum of Five Hundred Dollars (\$500) with interest at the rate of five per cent (5%) payable one year from the date of the agreement. In addition, Claude A. Beagle agrees to assume Robert Twedt's indebtedness in the sum of \$5,117.89. In consideration of said sum of \$6,117.89, to be paid by Claude A. Beagle, Katherine C. Beagle will acquire, when and as authorized by this Commission, all of Robert Twedt's right, title and interest in and to the latter's share of the partnership property, including real estate, fixtures, materials and supplies, trucks and equipment, accounts receivable, franchises, good will, and all other partnership assets. The tangible properties include two stake trucks, two tractors, and two semitrailers.

No material change in the service provided to the shipping public is contemplated. It is alleged that the business has recently improved and is now on current basis. Economies are being effected which are expected to result in a profitable operation.

Claude A. Beagle and Katherine C. Beagle are hereby placed on 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 finds that the proposed transfer and sale is not adverse to the public interest and, therefore, the application will be granted. A public hearing is not necessary.

O R D E R

Application having been made, the Commission being fully advised in the premises and good cause appearing,

IT IS ORDERED:

(1) That Robert Twedt may transfer and sell, after the effective date hereof and on or before January 31, 1950, to Claude A. Beagle and Katherine C. Beagle, for \$6,117.89, all of his right, title and interest in and to the business operated by Claude A. Beagle and Robert Twedt, 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. 40599, dated August 12, 1947, said transfer to be made pursuant to the terms and conditions of the Agreement for Dissolution of Partnership on file in this application as Exhibit A. Claude A. Beagle and Katherine C. Beagle may continue operations under the certificates of public convenience and necessity heretofore acquired by said Claude A. Beagle and Robert Twedt in said Decision No. 40599 and may assume the payment of the outstanding obligations of Claude A. Beagle and Robert Twedt referred to in said Exhibit A.

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 after the effective date hereof and on not less than one (1) day's notice to the Commission and to the public.

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

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 6th day of December, 1949.

R. E. Zimmerman
Justus F. Casper
Frank L. ...

COMMISSIONERS