

ORIGINAL

Decision No. 45195

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
CHARLES MANFRE, an individual to sell)	
and CHARLES MANFRE TRANSPORTATION CO.,)	Application No. 31957
INC., a corporation to purchase)	
certain certificated rights.)	

O P I N I O N

This is an application by Charles Manfre, an individual, to sell, and Charles Manfre Transportation Co., a duly organized corporation to buy the operative rights acquired by seller pursuant to Decision No. 44566, dated July 25, 1950, in Application No. 31209. The certificate granted to Manfre authorized the establishment and operation of service as a petroleum irregular route carrier between all points and places in the State of California.

A copy of the agreement between the parties is attached to the application. The consideration is \$500 in cash to be paid upon approval of the transaction by the Commission. No equipment is involved in the transfer.

It appears from the application that the seller is the president and principal stockholder in the Charles Manfre Transportation Co. The corporation conducts a general radial highway common carrier business and a bus business. It is asserted that the conduct of the operation, authorized by the certificate on an individual basis, requires the keeping of extra books and records, and that it will be more economical for the seller to conduct all of his transportation activities under the corporate structure of the buyer.

Upon the information set forth hereinabove, we find that the proposed transfer is not adverse to the public interest and the application will be granted. A public hearing is not deemed necessary.

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

Charles Manfre Transportation Co. 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 as above entitled having been filed and the Commission having found that the application should be granted,

IT IS ORDERED:

1. That Charles Manfre is hereby authorized to sell and transfer to Charles Manfre Transportation Co. and said Charles Manfre Transportation Co., is authorized to acquire the operative rights granted to said Charles Manfre in Decision No. 44566, and thereafter to operate thereunder.

2. That applicant 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 five (5) days' notice to the Commission and the public.

3. That, within thirty days after the consummation of the transfer herein authorized, applicant Charles Manfre Transportation Co. shall notify the Commission in writing of that fact and shall within said period file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect said transfer.

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

Dated at San Francisco, California, this 27th day of December, 1950.

R. Z. [Signature]
Justus J. [Signature]
[Signature]

[Signature]
COMMISSIONERS