

ORIGINAL

Decision No. 45391

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EDWARD R. POOLE, SR., doing business)
 as POOLE TRUCK LINES, to sell, and)
 EDWARD GREEN, doing business as LOS) Application No. 32076
 ANGELES CITY EXPRESS, to purchase)
 operating rights of a highway common)
 carrier of property between Los Angeles)
 and Los Angeles Harbor, California.)

O P I N I O N

By this application, Edward R. Poole, Sr. requests permission to sell, and Edward Green requests permission to purchase, the highway common carrier operating rights of said Edward R. Poole, Sr. between Los Angeles and the Los Angeles Harbor district⁽¹⁾.

The application alleges that the consideration to be paid by the buyer for the transfer of the operating rights is \$7,500, \$1,000 of which was paid prior to the filing of the subject application, and the balance to be paid upon approval of the proposed transfer by the Commission. A copy of the transfer agreement is attached to the application as Exhibit B. Nothing is to be transferred other than the operating rights. The application also alleges that the purchaser has adequate equipment and facilities to conduct operations pursuant to the certificate without additional equipment.

The application and the records of the Commission indicate that the purchaser is presently conducting a trucking business in

(1) Decision No. 41553, dated May 4, 1948, on Application No. 29270

the vicinity of Los Angeles under a city carrier's permit, a radial highway common carrier's permit, and a highway contract carrier's permit. The application alleges that the seller is presently conducting operations pursuant to the right proposed to be transferred.

The financial statement of the purchaser shows that, in his trucking operation, he has net assets of over \$12,000.

The Commission is of the opinion, and finds, that the proposed transfer does not appear to be contrary to the public interest and that the authority sought should be granted. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

Edward Green 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 therefor having been filed and considered, the Commission now being fully advised and finding that the proposed transfer is not adverse to the public interest,

IT IS ORDERED:

(1) That Edward R. Poole, Sr., after the effective date hereof, and on or before March 28, 1951, may sell and transfer to Edward Green the operating rights referred to herein, and Edward Green may acquire and operate the same.

(2) That, within thirty (30) days after the consummation of the transfer herein authorized, applicant Edward Green shall notify the Commission in writing of the fact, and shall, within said period, file with the Commission a true copy of any bill of sale or other instrument which may have been executed to effect said transfer.

(3) That applicant Edward Green 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 to the public.

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

Dated at Los Angeles, California, this 27th day of February, 1951.

Justice F. Greener
Harold P. Hild
Wm. E. Mitchell

COMMISSIONERS