

ORIGINALDecision No. 45489

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MARTIN TRANSPORTATION COMPANY (a Cali-
 fornia corporation) to sell, and Paul
 D. Thompson, doing business as
 THOMPSON TRANSPORTATION CO., to pur-
 chase highway common carrier motor
 truck operating rights between San
 Francisco, San Ysidro, Oakland, San
 Jose, Gilroy, Califa, Atascadero,
 Barstow, Sacramento, Los Angeles,
 Brown, Topaz Lake, State Line, Baker,
 Lone Pine, Needles, Blythe, and Winter-
 haven and other points in California.

Application No. 32133

O P I N I O N

By this application, Martin Transportation Company, a California corporation, requests permission to sell, and Paul D. Thompson, doing business as Thompson Transportation Co., seeks permission to purchase, the certificate of public convenience and necessity granted to Martin Transportation Company by Decision No. 43261, dated August 29, 1949, in Application No. 30392, authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, for the transportation of petroleum products in bulk, except liquefied petroleum gases and any other products requiring pressurized tanks, and except liquid asphalts and hot road oils and any other petroleum products requiring insulated tanks, over and along the following described routes, including

all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles:

- (1) Between San Francisco and the United States-Mexico Border, near San Ysidro, via U. S. Highways 101, 101 Alternate and 101 By-Pass.
- (2) Between Oakland and San Jose, via California State Highway 17.
- (3) Between Gilroy and Califa, via California State Highway 152.
- (4) Between Atascadero and Barstow, via U. S. Highway 466.
- (5) Between San Francisco and the California-Nevada State line, near Verdi, Nevada, via U. S. Highway 40.
- (6) Between San Francisco and California-Nevada State line, near Bijou, via U. S. Highway 50.
- (7) Between Sacramento and the United States-Mexico Border at Caloxico, via U. S. Highway 99.
- (8) Between Los Angeles and the junction of U. S. Highways 6 and 395, near Brown, via U. S. Highway 6.
- (9) Between San Diego and the California-Nevada State line, near Topaz Lake, via U. S. Highway 395.
- (10) Between Los Angeles and the California-Nevada State line, near State line, via U. S. Highway 91.
- (11) Between Baker and Lone Pine, via California State Highways 127 and 190.
- (12) Between Los Angeles and the California-Nevada State line, near Needles, via U. S. Highway 66.
- (13) Between Los Angeles and California-Nevada State line, near Blythe, via U. S. Highways 60 and 70.
- (14) Between San Diego and Winterhaven, via U. S. Highway 80.

The described certificate of public convenience and necessity is the only property proposed to be transferred, the application alleging that applicant Paul D. Thompson proposes to

acquire equipment out of the current income of the business if the transfer is permitted. The application shows that the purchaser is now engaged in the transportation business, and has sufficient assets to acquire the necessary equipment.

It appears from the application and records of the Commission that the applicant Martin Transportation Company has filed appropriate tariffs, and is performing the service authorized by Decision No. 43261. The application alleges that the consideration for the transfer is the sum of ten dollars (\$10.00), and that the reasons for the transfer are that the Martin Transportation Company, a corporation, is in the process of dissolution; that Paul A. Martin, the president of Martin Transportation Company, and Jack Jesson, the secretary of Martin Transportation Company, propose to retire from the transportation business and devote their time to other interests; and that Paul D. Thompson, the vice president of Martin Transportation Company, is the owner of the Thompson Transportation Co., and desires to carry on the business now performed by Martin Transportation Company, pursuant to the authority granted by Decision No. 43261.

The proposed transfer does not appear to be contrary to the public interest, and it is our conclusion that the authority sought should be granted. Such authority shall not be construed to be a finding of the value of the operative rights herein authorized to be transferred. A public hearing is not necessary.

Paul D. Thompson 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 having found that the proposed transfer of such operative right is not contrary to the public interest,

IT IS HEREBY ORDERED:

(1) That Martin Transportation Company, a corporation, be, and it hereby is, authorized to sell and transfer to Paul D. Thompson, doing business as Thompson Transportation Co., for the sum of ten dollars (\$10.00), the certificate of public convenience and necessity acquired by Martin Transportation Company, a corporation, by Decision No. 43261, dated August 29, 1949, on Application No. 30392, and said Paul D. Thompson, doing business as Thompson Transportation Co., be, and he hereby is, authorized to purchase and acquire said certificate for said sum of ten dollars (\$10.00).

(2) That, within thirty (30) days after the consummation of the transfer herein authorized, Paul D. Thompson shall notify the Commission thereof in writing, and shall file with the Commission a true copy of any instrument other than the Bill of Sale, a copy of which is attached to the application as Exhibit "D", which may be executed to effect said transfer.

(3) That, within sixty (60) days from the effective date hereof, and on not less than five (5) days' notice to the Commission and to the public, Paul D. Thompson 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 satisfactory to the Commission.

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

Dated at San Francisco, California, this 27th day of March, 1951.

R. T. Dwyer
Justus F. Calmes
Harvest Hubs

Frederick P. Potter
John L. Hill
COMMISSIONERS