

Decision No. 45726**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ROY A. CHAMBERLIN, for a Certificate)
of Public Convenience and Necessity to)
operate as a petroleum irregular route)
carrier, for the transportation of)
petroleum products in bulk, in tank)
trucks and trailers, over irregular)
routes, and within described areas, by)
reason of operations conducted on and)
after September 1, 1949, under Radial)
Highway Common Carrier Permit, issued)
by the Public Utilities Commission,)
of the State of California.)

Application No. 32308

O P I N I O N

Roy A. Chamberlin, an individual, seeks authority to transfer to Daigh & Stewart Truck Company, a corporation, whatever operative rights he may have under a certificate of public convenience and necessity granted by Decision No. 44397, dated June 20, 1950, on Application No. 31213.

The purchase price for these operative rights is set out as \$1,000, to be paid by a \$250.00 deposit placed in escrow at the time the application is filed, and the additional \$750.00 is to be paid on or before the effective date of the transfer. No equipment or property other than the operative rights is involved in this transfer.

The application alleges that Roy A. Chamberlin has been, and is very ill, and accordingly will not be in a position to continue the services required of him to maintain and operate tank truck equipment under Decision No. 44397 supra.

Applicant Daigh & Stewart Truck Company presently conduct operations as a highway common carrier in the transportation of oil, water, gas well outfits and supplies. It is alleged that acquisition of the certificate of Ray A. Chamberlin, which is a petroleum irregular route certificate, will round out the operation of Daigh & Stewart Truck Company. The application shows that the buyer is in a favorable financial condition, as evidenced by financial statements attached thereto.

After a full consideration of this matter, we are of the opinion that the proposed transfer is not adverse to the public interest, and should be authorized. A public hearing is not necessary.

Daigh & Stewart Truck Company 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. The authority herein granted shall not be construed as a finding of the value of the property authorized to be transferred.

O R D E R

Application as above-entitled having been filed, the Commission being fully advised in the premises, and having found

that the authority to transfer should be granted,

IT IS ORDERED:

(1) That Roy A. Chamberlin, an individual, after the effective date hereof, may transfer to Daigh & Stewart Truck Company, a corporation, the Certificate of Public Convenience and Necessity to operate as a Petroleum Irregular Route Carrier, granted by Decision No. 44397, dated June 20, 1950, on Application No. 31213.

Daigh & Stewart Truck Company is hereby authorized to purchase said operative rights, subject to the conditions hereinafter set out.

(2) That Roy A. Chamberlin be, and hereby is, authorized to sell for \$1,000 the operating rights referred to above.

(3) That Daigh & Stewart Truck Company, should this transfer be effected, shall comply with the provisions of General Order No. 80 and Part 4 of General Order No. 93-A, by filing in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days after the effective date hereof, and upon not less than five (5) days notice to the Commission and the public.

(4) That Daigh & Stewart Truck Company within thirty (30) days after making the transfer hereinabove authorized, shall file with the Commission a statement showing the journal entries used to record on its books the purchase of the operating authority 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 22nd day of May, 1951.

A. J. [Signature]
Justin J. Calmes
Hansel Kula
John L. [Signature]

COMMISSIONERS