

Decision No. 45767**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GLENN D. SIMS to sell, and GEORGE R.)
 URICH, doing business as NATIONAL) Application No. 32299
 TANK LINES, to purchase irregular)
 route petroleum common carrier rights)
 between all points in the State of)
 California.)

O P I N I O N

Glenn D. Sims, an individual, seeks authority to transfer to George R. Urich, an individual doing business as National Tank Lines, such operating authority as he may have under a certificate of public convenience and necessity granted by Decision No. 44476, dated June 27, 1950, on Application No. 31254. It is proposed to transfer only the operating rights set forth in Decision No. 44476 supra.

The purchase price is \$1,400, payable as follows: \$250 to be placed in escrow upon the signing of the application, and the balance of \$1,150 is to be payable upon the approval of the transfer of the operative rights by this Commission.

The application alleges that the proposed seller is an irregular route petroleum common carrier, and that, due to other financial interests, he is desirous of disposing of his operations in this respect. The purchaser is presently conducting petroleum hauling as a private carrier, but is desirous of securing a petroleum irregular route common carrier certificate.

An examination of the financial statement submitted with the application discloses that the purchaser is well able financially to conduct the proposed operations.

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

George R. Urich 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 to be a finding of the value of the property herein authorized to be transferred.

O R D E R

Application as above entitled having been made, the Commission being fully advised in the premises and having found that the proposed transfer should be authorized,

IT IS ORDERED:

(1) That Glenn D. Sims, an individual, after the effective date hereof, may transfer to George R. Urich, an individual doing business as National Tank Lines, the certificate of public convenience and necessity granted by Decision No. 44476, dated June 27, 1950, on Application No. 31254. George R. Urich, an individual doing business as National Tank Lines, is hereby authorized to purchase said operative rights, and thereafter to operate thereunder, subject to the conditions hereinafter set out.

(2) That Glenn D. Sims be, and he hereby is, authorized to sell for \$1,400 the operating rights referred to above.

(3) That George R. Urich, doing business as National Tank Lines, should this transfer be effected, 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 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 George R. Urich, an individual doing business as National Tank Lines, 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 29th day of May, 1951.

R. T. [Signature]
Justus J. Craven
Harold A. Kule
Wm. H. [Signature]
John L. [Signature]
COMMISSIONERS.