

**ORIGINAL**Decision No. 46052

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN CALIFORNIA FREIGHT LINES )  
 to sell to Edmour L. Pelletier an )  
 automobile freight line operated ) Application No. 32580  
 between Hemet and Idyllwild, )  
 California, and intermediate )  
 points. )

O P I N I O N

Southern California Freight Lines, a corporation, owns operating rights as a highway common carrier of general commodity freight between Idyllwild and Hemet and Riverside and intermediate points. These rights were originally acquired by R. B. Cregar by certificate of public convenience and necessity issued in Decision No. 10733, dated July 20, 1922, on Applications Nos. 7888 and 7889. Said rights were acquired by Southern California Freight Lines under its previous name of Coast Truck Line <sup>(1)</sup>.

In the present application Southern California Freight Lines requests authority to sell that portion of its operating rights aforesaid as applies between Hemet and Idyllwild to applicant Edmour L. Pelletier, for the sum of \$500 cash.

(1) Decision No. 13371, dated April 5, 1924, on Application No. 9780, Decision No. 17377, dated September 21, 1926, on Application No. 9780, Decision No. 18749, dated August 25, 1927, on Application No. 11502, Decision No. 21300, dated June 28, 1929, on Application No. 13690, Decision No. 23867, dated July 3, 1931, on Application No. 17444, and Decision No. 26138, dated July 10, 1933, on Application No. 18977.

This sale does not include the transfer of any physical property. The agreement heretofore entered into by and between the parties is attached to the application, and is expressly made subject to the approval of this Commission.

Applicant Pelletier is alleged to be experienced in the truck business, and to own a new Ford F-1 1950 model truck with heavy duty transmission and overload springs which will be adequate for the purpose. Also, it is stated that only a few persons are served at Idyllwild and Keen Camp and that better service can be rendered by applicant Pelletier by reason of the fact that he resides at Idyllwild and is in close contact with the persons residing at said points.

Applicant Southern California Freight Lines represents that N. W. Allert, who was, on May 15, 1951, authorized by Decision No. 45701, on Application No. 32315, to lease said operating rights, had failed to make the payments under said lease and had abandoned all his rights thereunder. The authority conferred under said decision will be cancelled and revoked.

After full consideration of this matter we are of the opinion that the proposed transaction will not be adverse to the public interest, and that the request of the applicants should be granted. A public hearing is not necessary. In making the order herein, we are making no finding of the value of said operative rights to be transferred, and we hereby place applicant Pelletier upon notice that operating 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 made, the Commission being fully advised in the premises, and it appearing that a public hearing is unnecessary,

IT IS ORDERED:

(1) That Southern California Freight Lines, after the effective date of this order, and on or before October 15, 1951, may sell and transfer, and Edmour L. Pelletier may acquire and hereafter operate, the rights herein referred to, between Hemet and Idyllwild and intermediate points, pursuant to the agreement, copy of which was attached to the application as Exhibit "A".

(2) That, within thirty (30) days after the consummation of the transfer herein authorized, said Edmour L. Pelletier 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.

(3) That, within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, applicant Pelletier 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.

(4) That the authority conferred by said Decision No. 45701, dated May 15, 1951, on Application No. 32315, is hereby cancelled and annulled.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of August, 1951.

Justus J. Craven  
Harold P. Hill  
Samuel E. Potts  
John E. Mitchell

COMMISSIONERS