

Decision No. 47699

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ROGER TITTLE doing business as)
 R & R BUTANE and PROPANE COMPANY to)
 sell and SAM CROOKSHANKS doing business)
 as R & R BUTANE and PROPANE COMPANY to)
 purchase that certain butane and propane) Application No. 33675
 business located at Corcoran, California,)
 and that certain certificate of public)
 convenience and necessity as a petroleum)
 irregular route carrier heretofore issued)
 to seller.)

O P I N I O N

Roger Tittle doing business as R & R Butane and Propane Company operates as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points in California under a certificate of public convenience and necessity issued by Decision No. 44252 of this Commission dated May 26, 1950 in Application No. 31189 and acquired by him by Commission Decision No. 46151 dated September 4, 1951 in Application No. 32576 as amended. Said applicant Tittle now proposes to sell and transfer his operative rights and equipment to applicant Sam Crookshanks doing business as R & R Butane and Propane Company. Four GMC tractors and three utility tank trailers presently used in applicant Tittle's operations are to be transferred as well as other automotive equipment storage tanks, pumps, equipment and office furniture and fixtures. A parcel of real property is also being sold to applicant Crookshanks. The total purchase price is \$36,500.00 for the physical property and \$1.00 for the operative rights. All sums are to be paid in cash; \$5,000 has been paid and the balance is to be paid at close of escrow.

According to the agreement of sale, applicant Tittle will continue in the management of the business on a salary basis. The

purchaser presently is engaged in the transportation of agricultural products for hire under permits issued by this Commission. These permits authorize operations as a radial highway common carrier, a highway contract carrier and city carrier, being respectively numbered 54-491, 16-847 and 16-328. The two businesses will be separately operated and will not be consolidated. The present debts and encumbrances against the property to be transferred will be paid off with the purchase price.

The Commission has considered this matter and is of the opinion and finds that the proposed transfer will not be adverse to the public interest. Applicants are 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. 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 action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred. A public hearing in this matter is unnecessary.

O R D E R

The Commission having considered the above-entitled matter and being of the opinion that a hearing thereon is not necessary, that the application should be granted, as herein provided, and that the money to be paid for the rights and property to be transferred is reasonably required therefor, now, therefore,

IT IS ORDERED:

(1) That within sixty days after the effective date hereof Roger Tittle may sell and transfer his operative rights and properties, to which reference has herein been made, to Sam Crookshanks, such sale and transfer to be made in accordance with the terms of the agreement between said applicants dated July 14, 1952, a copy of which is attached to the application herein as exhibit "A", which agreement applicants are authorized to execute, and that applicant Crookshanks, doing business as R & R Butane and Propane Company may acquire and thereafter exercise said operative rights pursuant to the certificate of public convenience and necessity so transferred and acquired.

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

(3) That applicant Crookshanks shall file in triplicate and concurrently make effective, appropriate tariffs and time schedules within sixty (60) days after the effective date hereof, and on not less than five (5) days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 16th day of September, 1952.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners