

ORIGINALDecision No. 47818

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Edward P. Le Meur, doing business as)	
ED LE MEUR TRANSPORTATION CO., to)	
sell, and DESERT PETROLEUM CORPORATION.)	Application No. 33728
to buy petroleum irregular route)	
common carrier rights between points)	
in the State of California)	

O P I N I O N

The Commission is requested to authorize the transfer of the certificate of public convenience and necessity granted to Edward P. Le Meur, doing business as Ed Le Meur Transportation Co., by Decision No. 44723, dated August 29, 1950, on Application No. 31373, to Desert Petroleum Corporation. The described certificate permitted Edward P. Le Meur to establish and operate a service as a petroleum irregular route carrier for the transportation of petroleum, liquid asphalts, hot road oils and other petroleum products, in tank trucks or tank trailers over any public highways between all points and places in the State of California, including Santa Margarita, Fresno, and Bishop, lying south and east of such cities.

The application alleges that Edward Paul Le Meur, doing business as Ed Le Meur Transportation Co., was adjudged bankrupt in Proceeding 54100-Y by the United States District Court, Southern District of California, Central Division, on April 29, 1952. Benno M. Brink, Referee in Bankruptcy,

appointed George Gardner as Trustee in said bankruptcy. Aside from the certificate of public convenience and necessity covered by California Public Utilities Commission Decision No. 44723, in Application No. 31373, as amended, Edward P. Le Meur (or Edward Paul Le Meur), doing business as Ed Le Meur Transportation Co., had, on April 29, 1952, no other assets. On July 22, 1952, the Desert Petroleum Corporation made an offer to the Court to purchase the rights of Edward P. Le Meur, doing business as Ed Le Meur Transportation Co., covered by Decision No. 44723, for the sum of \$100. This matter was advertised as required by law, and the sale was approved by the Court on August 12, 1952.

It is further alleged in the application that the applicant, Desert Petroleum Corporation, and its predecessors in interest have been engaged in the petroleum business and other related businesses for several years past and it is willing and able to perform the services herein contemplated.

It appears, from the exhibits attached to the application, that Desert Petroleum Corporation is a California corporation formed in 1950 for the purpose, among others, of performing a general trucking business. It has two tank trailers and two tank trucks.

Under the circumstances presented, we find that the transfer is not adverse to the public interest and, therefore, it will be authorized. No public hearing appears to be necessary. However, the action taken herein is not to be construed to be a finding of value of the operative right involved.

Desert Petroleum Corporation, a California corporation, 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. 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.

ORDER

An application having been filed, and the Commission having found that the public interest would not be adversely affected,

IT IS ORDERED:

(1) That George Gardner, Trustee in Bankruptcy of Edward P. Le Meur (Edward Paul Le Meur), doing business as Ed Le Meur Transportation Co., may sell and transfer to Desert Petroleum Corporation, a California corporation, the operative right granted to Edward P. Le Meur, doing business as Ed Le Meur Transportation Co., by Decision No. 44723, dated August 29, 1950, in Application No. 31373, as amended, and Desert Petroleum Corporation, a California corporation, may acquire, and thereafter operate pursuant to said rights, the sale and transfer to be made pursuant to the terms set forth in the "Order Confirming

"Sale of Personal Property" Bankruptcy Proceedings No., 54100-Y,
Edward Paul Le Meur, Bankrupt, George Gardner, Trustee, District
Court of the United States, Southern District of California,
Central Division, a copy of which order is attached to the applica-
tion herein and marked "Exhibit D".

(2) That George Gardner, Trustee in Bankruptcy of Edward P.
Le Meur (Edward Paul Le Meur), doing business as Ed Le Meur
Transportation Co., shall immediately cancel all tariffs and time
schedules filed under the name of Edward P. Le Meur, doing
business as Ed Le Meur Transportation Co.

(3) That Desert Petroleum Corporation, a California cor-
poration, shall immediately file in triplicate, and concurrently
make effective, appropriate tariffs and time schedules.

The effective date of this order shall be the date
hereof.

Dated at San Francisco, California, this 14th
day of October, 1952.

R. J. Anderson
President
Justice J. Calver
Harold K. Kule
James H. Tolson
John E. Mitchell
Commissioners