

Decision No. 48578

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
W. W. MILES and PAT L. NOLET doing	:	
business as MILES AND SONS TRUCKING)	
SERVICE, a copartnership, for authority	:	
to transfer a Certificate of Public)	Application
Convenience and Necessity to HOMER M.	:	No. 34252
BROWER and CREIGHTON W. BROWER, and for)	
authority that HOMER M. BROWER and	:	
CREIGHTON W. BROWER be authorized to)	
acquire said certificate.	:	
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O P I N I O N

This is an application for an order authorizing W. W. Miles and Pat L. Nolet, doing business as Miles and Sons Trucking Service, to transfer operative rights to Homer M. Brower and Creighton W. Brower. The agreed purchase price is \$2,900.

The operative rights to be transferred are represented by a certificate of public convenience and necessity granted by the Commission to Hart N. Cook by Decision No. 41589, dated May 18, 1948, in Application No. 28683, and subsequently transferred to the present owners under authorization granted by Decision No. 46796, dated February 26, 1952, in Application No. 31968. In general, they authorize the transportation of general commodities, except lumber, livestock and household goods, between Modesto on the one hand and Knights Ferry, Jamestown, Sonora, Standard, Tuolumne, Soulsbyville, Strawberry, Pinecrest, and intermediate points on the other hand, and between all intermediate points between Knights Ferry and Pinecrest, inclusive, other than between Sonora and Pinecrest and intermediate points via Twain Harte, Long Barn or Strawberry, with certain exceptions.

An investigation by the Commission's staff indicates that Homer M. Brower is experienced in motor carrier transportation of general commodities, that at present he is engaged in conducting the operations of the line now proposed to be transferred, and that he and Creighton W. Brower financially are in a position to finance the acquisition, to obtain additional equipment should that become necessary in the business, and to provide the working capital needed in the operations. Accordingly, we are of the opinion that the proposed transfer will not be adverse to the public interest and that an order should be entered granting this application.

The action taken herein shall not be construed to be a finding of the value of the rights and properties herein authorized to be transferred. 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 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 as to the number of rights which may be given.

O R D E R

The Commission having considered the above entitled matter, and being of the opinion that a public hearing is not necessary and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. W. W. Miles and Pat L. Nolet, doing business as Miles and Sons Trucking Service, may transfer to Homer M. Brower and Creighton W. Brower, on or before September 30, 1953, the operative rights referred to herein which were created by Decision No. 41589, dated May 18, 1948, in Application No. 28683, and were transferred to said W. W. Miles and Pat L. Nolet under authority granted by Decision No. 46796, dated February 26, 1952, in Application No. 31968.

2. Homer M. Brower and Creighton W. Brower are authorized to be substituted as parties to the joint rates and through routes now authorized for W. W. Miles and Pat L. Nolet, doing business as Miles and Sons Trucking Service.

3. Within 60 days after the effective date hereof and on not less than five days' notice to the Commission and to the public, Homer M. Brower and Creighton W. Brower shall file, in triplicate, and concurrently make effective, appropriate tariffs and time tables.

4. The authority herein granted will become effective 20 days after the date hereof.

Dated at San Francisco, California, this 12th day of May, 1953.

A. J. Zimmerman
President

Justus J. Casper
Harold H. Hale

Harriet Potter
John L. Dixhill
Commissioners