

ORIGINALDecision No. 48605

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 John S. Porter, dba Inland Tank)
 Lines to transfer to Helen S. Porter,)
 dba Inland Tank Lines an automotive) Application No. 34206
 Freight Line operated between various)
 points in Southern California and)
 various points in Southern California.)

O P I N I O N

By Decision No. 44541, dated July 18, 1950, on Application No. 30905, John S. Porter, an individual doing business as Inland Tank Lines, was granted a certificate of public convenience and necessity authorizing him to establish and operate a petroleum irregular route carrier service for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

By this application John S. Porter seeks authority to sell and transfer to Helen S. Porter, an individual who has joined in this application, the described petroleum irregular route carrier operating rights, three parcels of real estate, automotive equipment, and one trailer. ⁽¹⁾ Only one truck and one trailer, hereinafter described, in addition to the certificate of public convenience and necessity appear

(1) See Exhibit A on the application.

to be property necessary or useful in the performance of the seller's duties to the public (Section 851, Public Utilities Code).

The reason for the request is stated in the application to be that Helen S. Porter was granted an interlocutory decree of divorce from John S. Porter. ⁽²⁾ This decree granted certain community personal and real property of the parties to Helen S. Porter. Included was the automotive equipment used by the Inland Tank Lines, consisting of a 1949 Dodge tractor and a 1945 Fruehauf trailer. ⁽³⁾ The operating rights sought to be transferred are not included in the community property itemized in said decree.

The application alleges that the operating right and property sought to be transferred are valued at no dollars.

The application further alleges that the Inland Tank Lines has been in operation without interruption since 1945, and that Helen S. Porter has been with the company since that time and is familiar with freight line rules and regulations as prescribed by this Commission.

Under the circumstances presented, including the fact that Inland Tank Lines' operating equipment was transferred to applicant Helen S. Porter by the interlocutory

(2) See copy in formal file.

(3) These items are listed in John S. Porter's 1950 annual report to the Commission as having a total depreciated value of \$2,727.34. The interlocutory decree of divorce was granted on April 27, 1951. A 1952 annual report was filed by John S. Porter as transferor and Helen S. Porter as transferee on April 2, 1953. This report lists the two items of property plus a 1943 Auto Car tractor purchased used in 1952 for \$750, as having a depreciated value of \$1,805.68.

decree of divorce, we find that the transfer is not adverse to the public interest and it therefore will be authorized. A public hearing is not necessary. The action taken herein is not to be construed to be a finding of value of the operative right involved.

Helen S. Porter, an individual doing business as Inland Tank Lines, 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.

O R D E R

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

IT IS ORDERED:

(1) That John S. Porter may sell and transfer to Helen S. Porter, an individual, the operating rights and property hereinabove described for the sum of no dollars, and Helen S. Porter is authorized to purchase said operating rights and property for the sum of no dollars.

(2) That Helen S. Porter shall operate the petroleum irregular route carrier service created by Decision No. 44541, dated July 18, 1950, on Application No. 30905, upon the terms and conditions set forth in said decision.

(3) That applicants shall file in triplicate and concurrently make effective appropriate tariffs within sixty days from the effective date hereof on not less than one day's notice to the Commission and the public.

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

Dated at San Francisco, California, this 19th day of May, 1953.

R. J. [Signature]
President

Justice F. [Signature]

Harold D. [Signature]

Herbert [Signature]

[Signature]
Commissioners