

ORIGINALDecision No. 49748

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 FLEETLINES, INC., a corporation, to
 purchase, and of WILLIAM P. WELLS to
 sell a certificate of public con-
 venience and necessity authorizing
 the transportation of bulk petroleum
 products via irregular routes.

Application No. 34950

Glanz & Russell, by Theodore W. Russell, for
 applicants. Willard E. Mullikin, for Fleetlines, Inc.

O P I N I O N

William P. Wells, an individual, seeks authority to transfer to Fleetlines, Inc., a California corporation, a certificate of public convenience and necessity authorizing operations as a petroleum irregular route carrier. This certificate was granted to one L. Norrdman by Decision No. 44469, dated June 27, 1950, on Application No. 31113, and acquired by William P. Wells as a result of Decision No. 47500, dated July 22, 1952, on Application No. 33521. The present proposal is that Fleetlines, Inc. will purchase the certificate for the sum of \$1,400, which sum is to be paid in cash upon approval of the transfer. There is no equipment or any other property proposed to be transferred. The agreement between the parties is oral and has been confirmed by the instant application which has been signed by both parties hereto.

A public hearing was held on February 9, 1954, in Los Angeles before Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing it was brought out that the seller has been in ill health and consequently unable to devote the necessary attention to the management and operation of the business. Further, the seller now has accepted a position outside of the State of California and for that additional reason it will be impossible for him to continue the trucking operations.

The buyer conducts certificated operations both in interstate and intrastate commerce and is in a position to secure any equipment necessary to conduct petroleum hauling under the certificate herein proposed to be transferred.

Exhibit 1 is a balance sheet of buyer as of November 30, 1953, and an income statement for the period January 1 to November 30, 1953. Exhibit 2 is a list of equipment presently operated by buyer.

After a full consideration of this matter, we are of the opinion and hereby find that William P. Wells should be permitted to transfer the certificate of public convenience and necessity described herein to Fleetlines, Inc., a California corporation. There was no opposition at the hearing, although notices had been sent to the interested parties.

In authorizing this transfer we are making no finding of value of the operative rights, and hereby place the transferee upon notice that operative rights, as such, do not

constitute a class of property which may be 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 hereby finding that the proposed transfer will not be adverse to the public interest,

IT IS ORDERED:

(1) That William P. Wells, an individual, after the effective date hereof, may transfer to Fleetlines, Inc., a California corporation, the certificate of public convenience and necessity authorizing the transportation of petroleum products as a petroleum irregular route carrier, granted by Decision No. 44469, dated June 27, 1950, on Application No. 31113, and Fleetlines, Inc., a California corporation, is hereby authorized to purchase said operative rights and thereafter to operate thereunder subject to the conditions hereinafter set out.

(2) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicants shall amend tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that William P. Wells has withdrawn and Fleetlines, Inc., has adopted as its own said rates, rules and regulations.

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

Dated at San Francisco, California, this 2nd day of March, 1954.

R. J. Anderson
 President

Justin J. Colwell

Kenneth D. Potter

John E. Mitchell

Gene Roggin
 Commissioners