

ORIGINAL

Decision No. 49751

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of John MacLeod, Eldred Northup, J. L. Belyea, and Bigge Drayage Co. (a corporation), a partnership, doing business as Belyea Truck Co., and of Eldred Northup, J. L. Belyea, John MacLeod, and Highland Corporation, a partnership, doing business as Belyea Truck Co., for authority to transfer Highway Common Carrier Operating Rights.)

Application No. 35196

O P I N I O N

John MacLeod, Eldred Northup, Bigge Drayage Co. (a corporation), and J. L. Belyea, a partnership, doing business as Belyea Truck Co., request an order authorizing the transfer of the operative rights acquired by Decision No. 46787, dated February 26, 1952, in Application No. 33143, to Eldred Northup, John MacLeod, Highland Corporation, and J. L. Belyea, a partnership, doing business as Belyea Truck Co.

The application discloses that Highland Corporation possesses adequate financial resources to participate in the rendering of service under the certificates herein involved.

The application further discloses that by order dated February 23, 1954, the Interstate Commerce Commission authorized the transferors herein to transfer their interstate operating rights to the transferees hereinabove named.

The application further shows that the operations proposed to be conducted by transferees will be identical in character to those heretofore conducted under the certificates with which we are concerned.

We find that the public interest will not be adversely affected by approval of the proposed transfer. The application will be granted. In so doing we make no finding as to the value of such operative rights. A public hearing is not necessary.

The members of the partnership 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 to the number of rights which may be given.

O R D E R

An application having been filed, the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

(1) That Eldred Northup, J. L. Belyea, Bigge Drayage Co. (a corporation), and John MacLeod, a partnership, after the effective date hereof and on or before June 9, 1954, may sell and transfer to Eldred Northup, J. L. Belyea, Highland Corporation and John MacLeod, a partnership, its operative rights acquired under authority granted by Decisions No. 46787, dated February 26, 1952, No. 42623, dated March 15, 1949, and No. 44363, dated June 20, 1950.

(2) That Eldred Northup, J. L. Belyea, Highland Corporation and John MacLeod, within sixty days after acquiring said rights, shall file with the Commission a copy of each and every journal entry used to record such acquisition on their books of account.

(3) That within ninety days after the effective date hereof, and 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 Eldred Northup, J. L. Belyea, Bigge Drayage Co. (a corporation) and John MacLeod have withdrawn and Eldred Northup, J. L. Belyea, Highland Corporation and John MacLeod have adopted as their own said rates, rules and regulations.

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

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

A. F. [Signature]
President

Justice P. [Signature]

[Signature]

Commissioners