

Decision No. 50100**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PERCY C. FREDERICKSEN, administrator of
 the Estate of Charles F. Fredericksen,
 Harry C. Fredericksen and Percy C.
 Fredericksen to transfer to Harry C.
 Fredericksen, Percy C. Fredericksen and
 Laurel M. Fredericksen an automotive
 freight line operated between various
 points in northern California, in
 accordance with Code Sections 851-853
 of the Public Utilities Commission of
 the State of California.

Application No. 35429

O P I N I O N

C. F. Fredericksen and Sons a partnership formerly composed of Charles F. Fredericksen, Harry C. Fredericksen and Percy C. Fredericksen operates as a petroleum irregular route carrier under Commission authority.⁽¹⁾ This application seeks to substitute Laurel M. Fredericksen for Charles F. Fredericksen now deceased without the payment of any consideration in order to carry out a bequest of said deceased partner. It is alleged that the transfer as proposed will not affect the present operation in any manner.

After full consideration of this application, we are of the opinion and find as a fact, that the proposed transaction will not be adverse to the public interest, and that the request should be granted. A public hearing is unnecessary.

In making the order herein we are making no finding of the value of the operative rights above referred to which are to be transferred to the new partnership consisting of Harry C. Fredericksen, Percy C. Fredericksen and Laurel M. Fredericksen.

(1) Decision No. 44586 dated July 25, 1950, in Application No. 31065.

We hereby place applicants upon notice that operating 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 holders a full or partial monopoly. This monopoly feature may be changed 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 it appearing that a public hearing is unnecessary,

IT IS ORDERED:

(1) That Percy C. Fredericksen, administrator of the estate of Charles F. Fredericksen, Harry C. Fredericksen and Percy C. Fredericksen, doing business as C. F. Fredericksen and Sons, after the effective date of this order and on or before August 15, 1954, may sell and transfer and Percy C. Fredericksen, Harry C. Fredericksen and Laurel M. Fredericksen, a copartnership, doing business as Fredericksen Tank Lines, may acquire the assets and operating rights as petroleum irregular route carrier.

(2) That, within thirty days after the consummation of the transfer herein authorized, said Percy C. Fredericksen, Harry C. Fredericksen and Laurel M. Fredericksen shall notify the Commission of that fact, and shall within said period, file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect said transfer.

(3) That in accordance with the Commission's General

Order No. 80 and concurrently with the transfer authorized by ordering paragraph (1) hereof, on not less than five days' notice to the Commission and the public, applicants Percy C. Fredericksen, Harry C. Fredericksen and Laurel M. Fredericksen shall within the period provided in said ordering paragraph (1) institute service and shall amend tariffs on file with the Commission naming rates, rules and regulations governing the operations here involved to show that Percy C. Fredericksen, Harry C. Fredericksen and Laurel M. Fredericksen, administrator of the estate of Charles F. Frederickson, have withdrawn and Percy C. Fredericksen, Harry C. Frederickson and Laurel M. Fredericksen have adopted as their 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 1st day of June, 1954.

John E. Mitchell
 PRESIDENT
Justin J. Calver
Bennett Potter
Verne Roggins

COMMISSIONERS