

Decision No: 50776**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 COLLIER TRANSPORTATION COMPANY, a)
 corporation, to purchase and) Application No. 35878
 ROCHLITZ BROTHERS, INC., to sell)
 a highway common carrier certificate:)

O P I N I O N

Applicant Rochlitz Brothers, Inc., presently rendering service as a highway common carrier for the transportation of lumber and forest products over a wide area in northern California, requests authority to sell and applicant Collier Transportation Company requests authority to purchase the operative rights created by Decision No. 43424 in Application No. 29793.

The agreed consideration is \$3,500, payable in cash:

Applicant Collier Transportation Company is presently operating as a permitted carrier and according to its financial statement as of August 31, 1954 indicates total assets in the amount of \$339,706.81. It also indicates a net profit of \$22,544.68 as of the same date for the year 1954.

According to the application, applicant Rochlitz Brothers, Inc., wishes to sell because it no longer desires to engage in the business of operating as a highway common carrier.

After considering the matter, the Commission is of the opinion and so finds that the transfer will not be adverse to the public interest. A public hearing does not appear to be necessary.

Applicant Collier Transportation Company 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 as to the number of rights which may be given. ✓

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That, on or before January 15, 1955, Rochlitz Brothers, Inc., is hereby authorized to sell and transfer and Collier Transportation Company is hereby authorized to purchase and acquire the operative rights granted in Decision No. 43424 in Application No. 29793.

(2) That the action taken herein shall not be construed to be a finding of the value of the rights herein authorized to be transferred.

(3) That, within thirty days after the consummation of the transfer herein authorized, Collier Transportation Company shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

(4) That, on not less than five days' notice to the Commission and to the public, applicants shall amend or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show

that Rochlitz Brothers, Inc., has withdrawn or canceled and Collier Transportation Company has adopted or established as its own said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

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

Dated at San Francisco, California, this 16th day of November, 1954.

John E. Mitchell
President

Justin F. Adams

Verne Higgins

Rufus L. Lister

Commissioners