

ORIGINALDecision No. 52691

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GRACE N. BARNETT, as Administratrix of
 the Estate of Marvin Barnett, deceased,
 formerly dba Marvin Barnett Vacuum
 Truck Service, for the transfer to her
 of a certificate of public convenience
 and necessity as a petroleum irregular
 route carrier, issued to Marvin Barnett,
 now deceased, in Decision No. 50163,
 Application No. 35276, dated June 18,
 1954, and as amended by order of the
 Commission under date of October 5, 1954,
 Decision No. 50605.

Application No. 37677

O P I N I O N

By application filed January 20, 1956, Grace N. Barnett, as widow and administratrix of the estate of Marvin Barnett, deceased, requests that the certificate of public convenience and necessity granted to said decedent be transferred to her. The Superior Court of the State of California, in and for the County of Ventura, found and determined that all the property standing in the name of said deceased at the time of his death was the community property of said Marvin Barnett and his surviving wife applicant herein. Among other assets so standing in the name of Marvin Barnett was the certificate of public convenience and necessity for the transportation of petroleum and petroleum products in vacuum tank trucks to all points and places within a radius of twenty miles of Fillmore, California. This authority was granted by Decision No. 50163 dated June 18, 1954, in Application No. 35276, and modified by Decision No. 50605 dated October 5, 1954.

A. 37677 AM

The motor vehicle equipment distributed to applicant Grace N. Barnett included two vacuum tank trucks which had been operated by decedent under the above authority. In addition to this equipment, which she still owns, she has acquired and has been operating a new 1955 vacuum tank truck. Grace N. Barnett, as administratrix, has adopted the tariff filed with this Commission by decedent and has continued operations since her husband's death. The Commission finds that the acquisition of said operative rights by applicant herein will not be adverse to the public interest. Such acquisition will be authorized. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the operative rights herein authorized to be acquired.

O R D E R

Application therefor having been filed, the Commission being fully advised in the premises and being of the opinion that a public hearing is not necessary, and that the application should be granted,

Now Therefore, IT IS ORDERED that Grace N. Barnett is authorized to distribute to herself the operative rights granted to her deceased husband Marvin Barnett by said Decision No. 50163 as modified by Decision No. 50605 and she is hereby authorized to exercise said operative rights.

IT IS FURTHER ORDERED that within sixty days after the effective date of this order, and on not less than five days' notice to the Commission and to the public, applicant shall amend tariffs on file with the Commission to show that she has withdrawn

as administratrix of the estate of Marvin Barnett and has adopted as her own said tariffs.

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

Dated at San Francisco, California, this 78th day of September, 1956.

[Signature]
President
Justice D. Caswell
Paul Linterman
[Signature]

Commissioners