

**ORIGINAL**

Decision No. 52888

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
GEORGE W. PRICKETT, an individual, :	
doing business as PRICKETT TANK )	
LINES, to sell and MERCHANTS EXPRESS:	Application
OF CALIFORNIA, a corporation, to )	No. 37839
purchase petroleum irregular route :	
carrier certificate and equipment. )	
----- :	

OPINION AND ORDER

George W. Prickett, applicant herein, is a petroleum irregular route carrier operating in California under a certificate of public convenience and necessity granted by Decision No. 45212, dated January 3, 1951. In this proceeding he reports he desires to retire from the trucking business and he seeks authorization to sell his operative rights and eight units of tank equipment to Merchants Express of California, a corporation, for the sum of \$30,000.

Merchants Express of California is a California corporation engaged as a highway common carrier of freight generally between San Francisco and points in Southern California over Highways 99 and 101. It is controlled by individuals who have been in the trucking business for many years and it appears to be in a financial position which should be adequate to enable it to take over and to continue the operations of George W. Prickett.

Upon reviewing this matter we are of the opinion, and so find, that the transfer will not be adverse to the public interest. Applicants are placed on 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.

In our opinion a public hearing is not necessary in this matter; therefore,

IT IS HEREBY ORDERED as follows:

1. George W. Prickett, an individual doing business as Prickett Tank Lines, may transfer his petroleum irregular route carrier certificate and equipment to Merchants Express of California, a corporation.

2. On not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of the transfer herein authorized, applicants shall supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the operations here involved to show that George W. Prickett has withdrawn or cancelled and that Merchants Express of California 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.

3. The action taken herein shall not be construed to be a finding of value of the properties herein authorized to be transferred.

4. The authority herein granted will become effective 20 days from the date hereof. If not exercised, such authority shall expire September 30, 1956.

Dated at San Francisco, this 17<sup>th</sup> day of April, 1956.

John E. Washburn  
President

Justus J. Caswell

Paul Venturini

Manuel D. ...

R. Hardy

Commissioners