

ORIGINALDecision No. 53307

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Mabel R. Glass to transfer and)
 John R. Krieg, doing business as) Application No. 37993
 Krieg Truck Lines, to acquire a)
 highway common carrier certificate.)

O P I N I O N

Mabel R. Glass requests authority to sell and transfer and John R. Krieg requests authority to purchase and acquire highway common carrier operative rights for the transportation of property between San Francisco, Richmond, King City, and intermediate points, on the one hand, and King City, Santa Margarita, and intermediate points, excluding King City, on the other hand, and locally between all points and places between King City and Santa Margarita, excluding King City.

The consideration for the transfer is \$250. Applicant John R. Krieg is presently operating as a permitted carrier and appears to be financially able to conduct operations as a highway common carrier.

After consideration the Commission is of the opinion and so finds that the proposed transfer will not be adverse to the public interest.

The action taken herein shall not be construed to be a finding of the value of the rights herein authorized to be transferred. A public hearing does not appear to be necessary.

Applicant is hereby 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, such rights 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

The Commission having considered the above entitled matter; therefore,

IT IS HEREBY ORDERED:

(1) That on or before October 1, 1956, Mabel R. Glass may sell and transfer to John R. Krieg the operative rights granted by Decision No. 46717, dated February 5, 1952, in Application No. 32721.

(2) That within thirty days after the consummation of the transfer herein authorized, John R. Krieg 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.

(3) 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 Mabel R. Glass has withdrawn or canceled and John R. Krieg has adopted or established as his own said rates, rules and regulations.

The tariff filings made pursuant to the 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.

(4) That applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99 may result in a cancellation of the operating authority transferred by this decision.

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

Dated at San Francisco, California, this 26th day of June, 1956.

John E. Mitchell
President
Justice J. Calver
Paulo Lutermeier
Walter L. Dooley
Commissioners