

Decision No. 54942

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
WILLIAM F. MOORE, a copartner, to)	
sell his interest in W. F. MOORE &)	Application No. 38968
SON, a copartnership, to CHARLES H.)	
MOORE, a copartner therein.)	
-----)	

O P I N I O N

This is an application for an order of the Commission authorizing William F. Moore to transfer to Charles H. Moore, his interest in the certificate of public convenience and necessity granted by Decision No. 44594, dated August 1, 1950, and the tangible assets, subject to the liabilities, of William F. Moore and Charles H. Moore, copartners doing business under the firm name of W. F. Moore & Son.

The certificate herein involved authorizes the establishment and operation of a service as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

Under the terms of an agreement of purchase and sale dated November 28, 1955, the purchase price for the partnership interest is \$17,277.27, being the net book value of such interest at December 31, 1955, payable \$5,000 in cash with the balance represented by 12 non-negotiable demand notes, each in the principal sum of \$1,000, without interest, and one additional note for \$277.27.

It appears that there will be no change in the rates or service as a result of the transfer, and that Charles E. Moore financially is able to conduct the operations. Upon reviewing the verified application, we are of the opinion, and so find, that the transfer under the terms as proposed, and subject to the conditions of the order herein, will not be adverse to the public interest and should be authorized.

Applicants are 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, 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.

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

O R D E R

The Commission having considered the above entitled matter and being of the opinion that a public hearing is not necessary, and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. William F. Moore may transfer to Charles H. Moore his interest in the certificate of public convenience and necessity

granted by Decision No. 44594, dated August 1, 1950, and tangible assets, and Charles H. Moore may assume the payment of outstanding liabilities, of William F. Moore and Charles H. Moore, copartners doing business under the firm name of W. F. Moore & Son.

2. On not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that William F. Moore and Charles H. Moore, copartners doing business under the firm name of W. F. Moore & Son, have withdrawn or canceled, and Charles H. Moore has adopted or established, as his 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 authority herein granted will become effective on the date hereof.

Dated at San Francisco, California, this 7th day of MAY, 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners