

ORIGINAL

Decision No. 55007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
CHARLES R. HIX, an individual doing)	
business as DOC HIX VACUUM TRUCK)	
SERVICE for authority to sell and)	
of GEORGE W. FORQUER, JOSEPH V. BRINK,)	
and MAX RUDOLPH, partners doing busi-)	Application No. 38962
ness as MAX RUDOLPH COMPANY for)	
authority to buy a certain certificate)	
of public convenience and necessity)	
authorizing the transportation of)	
petroleum products as a petroleum)	
irregular route carrier.)	

O P I N I O N

Charles R. Hix has authority from this Commission to render service as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products, drilling fluids, oil and chemicals for drilling purposes, and road oils in connection with the servicing of roads, in bulk, in vacuum-type or pump-type tank trucks in connection with or incidental to the drilling, maintaining, reconditioning, abandonment or completion of an oil well or oil well site, or servicing its facilities and roads thereto, or the repair of pipe line breaks, between points and places in Ventura County within fifty miles of Newhall, and points and places in Los Angeles County within twenty-five miles of Newhall, provided that said Charles R. Hix may not render service to, from or between any point or points located within the City of Los Angeles or the City of San Fernando.

^{1/} Decision No. 50690, dated October 26, 1954, in Application No. 35313.

By the application herein filed on April 5, 1957, the Commission is requested to authorize Charles R. Hix to sell, and Max Rudolph Company, a limited partnership consisting of George W. Forquer and Joseph V. Brink, general partners, and Max Rudolph, limited partner, to purchase the described operative right and good will for the sum of \$2,000 in cash payable upon approval of said transfer by this Commission (Exhibit A on the application).

As the reason for the proposed transfer it is alleged in the application that Charles R. Hix desires and intends to engage solely in a different phase of the transportation business and to discontinue operations pursuant to the above-referred to certificate; and that Max Rudolph Company is engaged in the business of transporting petroleum products as a petroleum contract carrier, that it has two vacuum-type tank trucks now used for transporting petroleum products, and that it has been requested by customers to transport petroleum products.

The purchaser appears to be in a sound financial condition.^{2/}

In our opinion the proposed sale is not adverse to the public interest. The application will be granted. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

George W. Forquer, Joseph V. Brink and Max Rudolph 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

^{2/} Exhibits C and D on the application.

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. 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 made, the Commission being fully advised in the premises and having found that the proposed transfer is not adverse to the public interest, and should be granted,

IT IS ORDERED:

- (1) That Charles R. Hix may sell and transfer to George W. Forquer, Joseph V. Brink and Max Rudolph, partners doing business as Max Rudolph Company, the operative right hereinabove described for the sum of \$2,000 payable at the time of or prior to the completion of said transfer; and said partners may acquire said operative right.
- (2) That within thirty days after the consummation of the transfer herein authorized, George W. Forquer and Joseph V. Brink, or either of them, shall notify the Commission in writing of that fact.
- (3) That effective concurrently with the consummation of such transfer, and on not less than five days' notice to the Commission and to the public, 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 Charles R. Hix has withdrawn or cancelled, and George W. Forquer and Joseph V. Brink have adopted or established as their own, said rates, rules and regulations.

The authority herein granted shall become void if not exercised within thirty days after the effective date hereof.

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

Dated at San Francisco, California, this 21st day of MAY, 1957.

[Signature]
President
[Signature]
[Signature]
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Commissioners