

Decision No. 55112**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 TRUCKING UNLIMITED, a corporation, to )  
 purchase, and of J. R. MURRAY, an )  
 individual, to sell a certificate of ) Application No. 39048  
 public convenience and necessity as a )  
 highway common carrier of property, )  
 pursuant to Sections 851-853 of the )  
 Public Utilities Code. )

O P I N I O N

An order is sought in this proceeding authorizing J. R. Murray to sell and Trucking Unlimited, a corporation, to purchase the highway common carrier operative right created by Decision No. 54688 in Application No. 36486.

The allegations of the application disclose:

(1) That a certificate of public convenience and necessity was issued to J. R. Murray by Decision No. 54688, dated March 19, 1957, following a public hearing held on Application No. 36486 on December 5, 1956.

(2) That J. R. Murray caused the corporation, Trucking Unlimited, to be formed January 11, 1957.

(3) That J. R. Murray transferred and sold to Trucking Unlimited his motor carrier business including all of the motor carrier equipment and other assets in order to give permanence and stability to his for-hire trucking business.

(4) That J. R. Murray and his wife are the sole shareholders of Trucking Unlimited.

(5) That the transfer of J. R. Murray's business to Trucking Unlimited was made in exchange for the issuance of stock to J. R. Murray and his wife.

(6) That such transfer included, without additional consideration, the transfer of the certificate of public convenience and necessity referred to above.

(7) That such certificate has not formed the basis of any intangible value for any stock issued by Trucking Unlimited to J. R. Murray and his wife; that the transfer was made on the basis of the issuance of stock in an amount equal to the net book value of assets over liabilities without the assignment of any values to intangibles, such as operating authority.

(8) That there will be no change in the facilities, management or control of the motor carrier business of J. R. Murray by virtue of the transfer.

(9) That Decision No. 54688 will not be effective until ninety days after March 19, 1957 and for that reason J. R. Murray has not as yet filed a tariff or established service pursuant to the terms and conditions of said certificate.

There are attached to the application a list of motor vehicle equipment, J. R. Murray's profit and loss statement for the year ended December 31, 1956, J. R. Murray's balance sheet as of December 31, 1956 and "giving effect" balance sheet of Trucking Unlimited as of December 31, 1956.

The Commission finds that the public interest will not be adversely affected by approval of the transfer proposed herein. The application will be granted. The action taken herein shall not be construed to be a finding of the value of the right herein

authorized to be transferred. Trucking Unlimited, a corporation, 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. A public hearing is not necessary.

O R D E R

An application having been filed, and the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

(1) That J. R. Murray, after the effective date hereof and on or before August 12, 1957, may sell and transfer to Trucking Unlimited, a corporation, and the latter may acquire and purchase the operative right granted by Decision No. 54688, dated March 19, 1957, in Application No. 36486.

(2) That within ten days after completion of the transfer herein authorized, Trucking Unlimited, shall so notify the Commission in writing and within said period shall file with it true copies of the instruments executed to effect said transfer.

(3) That by acquiring the certificate of public convenience and necessity herein granted, Trucking Unlimited 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, the transfer of which is permitted by this decision.

(4) That effective concurrently with the consummation of such transfer Trucking Unlimited, on not less than five days' notice to the Commission and the public, shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of JUNE, 1957

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners