

**ORIGINAL**Decision No. 55899

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
WANDA J. KELLER doing business as	)	
KELLER'S FREIGHT LINE for transfer	)	
to her of a certificate of public	)	Application No. 39368
convenience and necessity presently	)	
standing in the name of GEORGE KELLER,	)	
deceased and operated as KELLER'S	)	
FREIGHT LINE.	)	

OPINION AND ORDER

Applicant is the widow of George Keller who, in his lifetime, did business under the name of Keller's Freight Line. On August 20, 1957, the San Francisco Superior Court entered a decree of distribution in connection with the probate of the decedent's will. The decree provides in part that applicant should succeed to all of her deceased husband's interest in Keller's Freight Line.

Applicant proposes to continue the operation of the business. She seeks the authorization of this Commission to have transferred to her the certificates of public convenience and necessity issued by this Commission on July 9, 1957, in Decision No. 55294 and on December 21, 1948, in Decision No. 42353. The verified application states that applicant proposes to operate said business in the same manner as did her husband. No changes in service or rates are sought.

In the circumstances, it appears that this is a matter in which a public hearing is not necessary, that the proposed transfer is not adverse to the public interest, and that the application should be granted.

Applicant is hereby placed on notice that the operative rights, here involved, 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.

IT IS ORDERED that:

(1) The certificates of public convenience and necessity granted to George Keller in Decision No. 55254 on July 9, 1957, and Decision No. 42353 on December 21, 1948, authorizing him to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points and over the routes as more particularly set forth in said decisions, will be transferred to Applicant Wanda J. Keller upon compliance with the terms of this order.

(2) Within sixty days after the effective date hereof, 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 Wanda J. Keller has adopted or established as her 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.

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

Dated at San Francisco, California, this 3rd day of December, 1957.

[Signature]  
President  
[Signature]  
[Signature]  
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Commissioners