

ORIGINAL

Decision No. 50842

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of FABIANO INTRA-CAL LINES, INC.,
a California corporation, to sell,
and JOHN D. WORLEY, an individual
doing business as CROCKER TRANSFER
COMPANY, to buy operative rights.

Application No. 39449

OPINION AND ORDER

Applicants seek the Commission's approval of an agreement which provides for the transfer from Fabiano Intra-Cal Lines, Inc., to John D. Worley of the operating rights contained in the certificate of public convenience and necessity awarded Fabiano by Decision No. 53086 together with the rights held by Fabiano under Permit No. 19-45171.

Applicants have not made a sufficient showing under Public Utilities Code Section 5284 to justify the transfer of the permit here involved.

Based upon the record, the Commission finds that the transfer of the certificate of public convenience and necessity here involved would not be adverse to the public interest and that the intended transferee has the ability to render a common carrier service under the rights here involved.

In the circumstances, it appears that this is a matter in which a public hearing is not necessary and that the application should be granted to the extent provided for in the ensuing order.

John D. Worley 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 modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given. Therefore, good cause appearing,

IT IS HEREBY ORDERED that:

1. The contract between Fabiano Intra-Cal Lines, Inc., and Ralph Meyer, its assignee, is approved only insofar as it provides for the transfer of the certificate of public convenience and necessity granted by this Commission to Fabiano Intra-Cal Lines, Inc., by Decision No. 53086 in Application No. 35966.

2. Within sixty days after the effective date hereof, Ralph Meyer as assignee of Fabiano Intra-Cal Lines, Inc., may sell and transfer the certificate of public convenience and necessity granted by this Commission in Decision No. 53086 of Application No. 35966 to John D. Worley.

3. 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 Fabiano Intra-Cal Lines, Inc., has withdrawn or canceled and that John D. Worley 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.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 17th day of June, 1958.

[Signature]
President
[Signature]
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Commissioners