

**ORIGINAL**

Decision No. 57463

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of FRANK HAYASHIDA, an individual }  
doing business as FRANK'S TRUCK }  
SERVICE, for authority to transfer }  
certificate of public convenience }  
and necessity to F.T.S. TRANSPORT }  
SYSTEM, INC., a corporation. }

Application No. 40396

O P I N I O N

Frank Hayashida, doing business as Frank's Transport System, requests authority to sell and transfer and F.T.S. Transport System, Inc., requests authority to purchase and acquire highway common carrier operative rights.

The operative rights to be transferred for a cash consideration of \$1,500 were created by Decision No. 52237, dated November 14, 1955, in Application No. 36144. Said operative rights provide for the transportation of limited commodities such as canned goods, paper products and petroleum lubricating oil between Sacramento, on the one hand, and San Francisco, San Jose, Alameda, Oakland, Pittsburg, Stockton and Perkins, on the other hand; pears and empty containers between Walnut Grove and Modesto; sheet iron or steel cans between Sacramento and Represa; tomatoes and empty containers between Sacramento, on the one hand, and Davis, Woodland, Elk Horn, Elk Grove and Nicolaus, on the other hand.

Applicant seller allegedly wishes to transfer said rights because of ill health and his desire to restrict his business activities.

Applicant purchaser is presently engaged as a permitted carrier and appears to possess the necessary equipment and financial ability to provide service as a highway common carrier.

After consideration the Commission is of the opinion that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

F.T.S. Transport System, Inc., 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, they 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.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That on or before March 1, 1959, Frank Hayashida may sell and transfer, and F.T.S. Transport System, Inc., may purchase and acquire, the operative rights granted in Decision No. 52237, dated November 14, 1955, in Application No. 36144.

(2) That within thirty days after the consummation of the transfer herein authorized, the purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

(3) That on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the operations here involved to show that Frank Hayashida, has withdrawn or canceled, and F.T.S. Transport System, Inc., has adopted or established as its own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply 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 15th day of October, 1958.

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