

ORIGINALDecision No. 57496

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LORAIN E. JOHNSON, administratrix)
 of the estate of ROY L. JOHNSON, to)
 sell and transfer, and WILLIAM R.)
 JOHNSON to purchase and acquire the)
 interest of the decedent in and to)
 certain operative rights and equip-)
 ment.)

Application No. 40262

O P I N I O N

The Commission, by Decision No. 55039 dated May 20, 1957, granted a certificate of public convenience and necessity as a highway common carrier to William R. Johnson and Roy L. Johnson, partners, doing business as J & J Truck Line.

It appears that Roy L. Johnson died in July, 1956. By this application Roy L. Johnson's administratrix proposes to sell his interest in the business to the surviving partner, William R. Johnson, for \$26,594.45 in cash.

The Commission finds that the proposal of applicants is not adverse to the public interest. A public hearing is not necessary and the sought authority will be granted.

William R. Johnson 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.

O R D E R

A verified application having been filed and the Commission having considered the same and good cause appearing,

IT IS ORDERED:

1. That Loraine B. Johnson, as Administratrix of the Estate of Roy L. Johnson, deceased, be, and she is hereby authorized to transfer the partnership interest of Roy L. Johnson, deceased, in the certificate of public convenience and necessity as a highway common carrier heretofore granted to decedent and William R. Johnson by Decision No. 54488, as amended by Decision No. 55039, in Application No. 36215, to said William R. Johnson, and that said William R. Johnson be, and he is hereby authorized to acquire the same.

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

3. That applicants shall, on not less than five days' notice to the Commission and to the public, amend the tariffs on file with this Commission, insofar as they name rates, rules and regulations governing the transportation here involved to show that the

partnership of William R. Johnson and Roy L. Johnson has withdrawn or canceled and that William R. Johnson, an individual, has concurrently adopted as his own said rates, rules and regulations.

4. That the authority herein granted shall expire if not exercised within ninety days after the effective date of this order.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21st day of October, 1958.

E. Lynn Fox
President
Arthur C. Mitchell
Paul G. Teresmer
William J. ...
Theodore J. ...
Commissioners