

ORIGINAL

Decision No. 57853

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ELLIS J. FIELDS, doing business as)
 RESORT FREIGHT LINES, for authority)
 to sell his highway common carrier)
 certificate and equipment to DONALD)
 G. VINES.)

Application No. 40627

O P I N I O N

Ellis J. Fields, doing business as Resort Freight Lines, requests authority to sell and Donald G. Vines requests authority to purchase certain highway common carrier operative rights and property.

By virtue of Decision No. 46509, Seller is authorized to transport property as a highway common carrier between Calistoga, Middletown, Adams Springs and intermediate points. In addition, he possesses certain interstate operative rights. The transfer includes all operative rights, equipment, supplies and a parcel of real property. According to the terms of the agreement, a copy of which is attached to the application, the consideration to be paid is \$10,000 cash.

Purchaser has been working with Seller in the business and is familiar with its operation. As of November 11, 1958, Purchaser indicated a net worth of \$24,720.

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

Donald G. Vines 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

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

IT IS ORDERED that:

(1) On or before April 1, 1959, Ellis J. Fields may transfer and Donald G. Vines may purchase the operative rights covered by Decision No. 46509 and the property described in the sales agreement attached to the application according to the terms contained therein.

(2) Within thirty days after the consummation of the transfer herein authorized, 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) 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 common carrier operations here involved to show that Ellis J. Fields has withdrawn or canceled and Donald G. Vines adopted or established as his own said rates, rules and regulations. The tariff filings made pursuant to the 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 13th day of January, 1959.

E. L. Fox
President
W. L. [illegible]
W. L. [illegible]
Theodore [illegible]
Commissioners