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ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of G. W. A. INCORPORATED, )  
doing business as CRESCENT TRANSPORTA- )  
TION COMPANY, to buy and of JOSEPH G. )  
CATANIA, doing business as CATANIA )  
TANK TRUCKING, to sell, certain high- )  
way common carrier operating rights. )

Application No. 41111

O P I N I O N

Joseph G. Catania requests authority to sell and transfer, and G. W. A. Incorporated, doing business as Crescent Transportation Company, requests authority to purchase and acquire, petroleum irregular route operating rights for a cash consideration of \$2,000.

Buyer is a California corporation engaged in the distribution of fuel oils for its own accounts. The acquisition of the operative rights granted by Decision No. 44248 would assertedly enable buyer to use its existing transportation equipment for the purpose of continuing the public service presently being rendered by seller. For the period November 1, 1958 to and including March 31, 1959, buyer indicated a net profit of \$11,307.20.

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

Applicant G. W. A. Incorporated 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:

1. That on or before November 1, 1959, Joseph G. Catania, doing business as Catania Tank Trucking, is hereby authorized to transfer and sell, and G. W. A. Incorporated, doing business as Crescent Transportation Company, is hereby authorized to purchase and acquire, the operative rights granted by Decision No. 44248 in Application No. 31157 according to the terms of the agreement attached to the application.

2. That, within thirty days after the consummation of the transfer herein authorized, G. W. A. Incorporated 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, applicants shall, effective concurrently with the consummation of such transfer, amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, including joint rate arrangements, to show that Joseph G. Catania has withdrawn or canceled and G. W. A. Incorporated has adopted or established as its own, said rates, rules and regulations. The tariff filing made

