

ORIGINAL

Decision No. 59254

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RUSSELL S. STOWELL and ALBERT B.)
 COMPHER, a partnership, dba PACIFIC)
 TRANSFER, VAN & TRUCK COMPANY, to)
 transfer Highway Common Carrier)
 Certificate and Public Warehouse)
 Certificate to BALBOA WAREHOUSE)
 CORPORATION, dba PACIFIC TRANSFER,)
 VAN & TRUCK COMPANY.)

Application No. 41524

O P I N I O N

Russell S. Stowell and Albert B. Compher, copartners doing business as Pacific Transfer, Van & Truck Company, request authority to transfer, and Balboa Warehouse Corporation, doing business as Pacific Transfer, Van & Truck Company, requests authority to acquire a highway common carrier certificate, a public warehouse certificate and certain other assets.

The highway common carrier certificate consists of authority to transport general commodities, with certain exceptions, between San Diego, on the one hand, and Coronado and North Island, on the other. The warehouse certificate authorizes operations at 372 Fourth Avenue, San Diego.

It is alleged that applicants have dissolved their partnership and wish to transfer the partnership assets to the Balboa Warehouse Corporation, of which Albert B. Compher is president. A cash consideration of \$15,000 will be paid Russell S. Stowell for his interest.

The record indicates that Balboa Warehouse Corporation is financially capable of providing the certificated services here involved.

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

Balboa Warehouse Corporation 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.

The authorization herein granted shall not be construed to be a finding of the value of the operative rights herein authorized to be transferred.

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 February 1, 1960, Russell S. Stowell and Albert B. Compher may transfer, and Balboa Warehouse Corporation may acquire, the certificates and assets described in the application.
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 Local Freight Tariff Cal. P.U.C. No. 5 of Russell Stowell and Albert Compher, doing business as Pacific Transfer, Van & Truck Company (series of Pacific Transfer, Van & Truck Company, Inc.), is canceled.

4. 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 remaining tariffs on file with the Commission, naming rates, rules and regulations governing the warehouse and common carrier operations here involved, to show that Russell S. Stowell and Albert B. Compher have withdrawn or canceled, and Balboa Warehouse Corporation 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 Orders Nos. 61 and 80, respectively.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of November, 1959.

[Signature]
President

[Signature]

[Signature]

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Commissioners