A-42046 GH

Decision No.

60049

## ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CLYDE STOREY, an individual, doing business as STOREY AUTO EXPRESS, to sell, and of VINCENT M. McLEOD, an individual, doing business as BUDWAY EXPRESS, to purchase, a certificate of public convenience for the transportation of automobile parts, accessories and supplies between Los Angeles, Wilmington and San Pedro pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 42046

## <u>OPINION</u>

By this application authority is sought by Clyde Storey, an individual doing business as Storey Auto Express, to sell, and by Vincent M. McLeod, an individual doing business as Budway Express, to purchase the highway common carrier operative right and certain motor vehicle equipment of the former party.

The operative right in question is a common carrier certificate granted to Storey by this Commission's Decision No. 6954, dated December 17, 1919, under which he is authorized to transport automobile parts, accessories and supplies between Los Angeles, Wilmington and San Pedro. The motor vehicle equipment consists of the two trucks utilized by Storey in conducting the above-described common carrier service. The consideration involved is \$1200 for the common carrier certificate and \$700 for the motor vehicles.

McLeod is presently engaged in for-hire transportation of property as a city carrier and a radial highway common carrier. Financial statements attached to the application reveal the condition of both buyer and seller to be satisfactory.

After consideration the Commission is of the opinion and so finds that the proposed transfer would not be adverse to the public

-1-

A-42046 GH

interest. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of the value of the rights and equipment nor as a determination that the amounts referred to herein will be accepted as proper bases for an order authorizing the issue of securities.

Vincent M. McLeod 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 operating right herein authorized to be transferred will be restated in the appendix form now in use.

## <u>O R D E R</u>

Application having been filed and the Commission being of the opinion that the application should be granted,

IT IS ORDERED:

1. That on or before November 1, 1960 Clyde Storey may sell and transfer, and Vincent M. McLeod may purchase and acquire, the operative rights and property referred to in the application, as more specifically set forth in Appendix A, hereto attached.

2. That within thirty days after the consummation of the transfer herein authorized, Vincent M. McLeod 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.

-2-

A. 42046 GH

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 supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the operations here involved to show that Clyde Storey has withdrawn or canceled, and Vincent M. McLeod has adopted or established, as his own, said rates, rules and regulations. The tariff filings made pursuant to this 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 Ind
day of	Mary		, 1960
		6	Constitution
	V		Det Matifile
			Marchallen
			5, toch
			Theodore Henner
			Commissioners

Appendix A

## BUDWAY EXPRESS

Original Page 1

- -

::-:

Vincent M. McLeod, an individual, doing business as Budway Express, by the certificate referred to in the decision noted in the margin, is authorized to transport automobile parts, accessories and supplies between Los Angeles, Wilmington and San Pedro.

Issued by California Public Utilities Commission. Decision No. <u>60049</u>, Application No. 42046.