

ORIGINAL

Decision No. 60254

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BANK OF AMERICA, N. T. & S. A.,)
Executor of the Estate of BARNET)
PURITZ, deceased, for an order)
authorizing the transfer of a)
petroleum irregular route carrier)
certificate and property to JOSEPH)
PURITZ and SAMUEL PURITZ.)

Application No. 42087

O P I N I O N

Bank of America, N. T. & S. A., as Executor of the Estate of Barnet Puritz, deceased, seeks authority to transfer all of the right, title and interest of Barnet Puritz, deceased, in and to the operative rights as petroleum irregular route carrier issued to Barnet Puritz and the transferees herein, Joseph Puritz and Samuel Puritz, doing business as B. Puritz Oil Company, a copartnership, by Decision No. 44839 in Application No. 31219, to said Joseph Puritz and Samuel Puritz pursuant to "Order Approving First and Final Account and Decree of Distribution" issued by the Superior Court of the State of California in and for the County of Butte, a copy of which order is attached to the application herein as Exhibit "A". Said decree of distribution distributes to Joseph Puritz and Samuel Puritz, share and share alike, decedent's interest in the partnership business known as "B. Puritz Oil Company".

There will be no consideration for the transfer.

The Commission having considered the matters pertinent hereto is of the opinion and finds and concludes that the transfer hereinafter authorized would not be adverse to the public interest. A public hearing is not necessary.

Joseph Puritz and Samuel Puritz are 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 made, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

1. That Bank of America, N. T. & S. A., as Executor of the Estate of Barnet Puritz, deceased, may transfer to Joseph Puritz and Samuel Puritz the petroleum irregular route carrier operating rights referred to in the foregoing opinion, said transfer to be in accordance with the "Order Approving First and Final Account and Decree of Distribution", issued by the Superior Court of the State of California in and for the County of Butte, No. 12363, "In the Matter of the Estate of Barnet Puritz, also known as B. Puritz, Deceased", and said Joseph Puritz and Samuel Puritz may acquire the operating rights and continue the petroleum irregular route carrier service as heretofore authorized by this Commission.

2. 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 tariffs on file with the Commission, naming rates, rules and regulations governing the petroleum irregular route carrier operations

here involved, to show that Bank of America, N. T. & S. A., Executor of the Estate of Barnet Puritz, deceased, has withdrawn or canceled, and Joseph Puritz and Samuel Puritz have adopted or established as their 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 Order No. 80.

3. That Joseph Puritz and Samuel Puritz shall notify this Commission in writing, within thirty days after the effective date hereof, that they are conducting the petroleum irregular route carrier operations herein authorized to be transferred.

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

Dated at San Francisco, California, this 14th day of June 1960.

Geneil A. [Signature]
President
[Signature]
[Signature]
[Signature]
Theodore J. [Signature]
Commissioners