

ORIGINAL

Decision No. 61238

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WILLIAM W. HUGHES, doing business as)
Hughes Truck Co., to sell, and IRISH)
TRUCK LINES, INC., a corporation to)
purchase, a certificate of public)
convenience and necessity.)

Application No. 42784

O P I N I O N

William W. Hughes, doing business as Hughes Truck Co., requests authority to sell and Irish Truck Lines, Inc., requests authority to purchase and acquire certain highway common carrier operative rights.

The authority was granted by Decision No. 55253 as amended by Decision No. 55638 and authorizes the transportation of specified commodities between (a) Los Angeles and Vernon, on the one hand, and the Los Angeles Basin Territory, on the other hand; (b) Los Angeles and Vernon, and points within a five mile radius of said points, on the one hand, and points on U. S. Highway 101 and 101 Alternate between Santa Monica and the San Diego Territory, on the other hand.

The agreed cash consideration is \$10,000. A value of \$200 is placed upon the operating authority, the balance represents good will.

Buyer presently operates as a permitted carrier. It owns and operates fifteen pieces of equipment. For the year 1959 Buyer realized a net profit in the amount of \$11,705.44.

It is alleged that Seller desires to operate solely as a permitted carrier due to the limitations of his equipment and that

Buyer with a large fleet of trucks can provide a more complete and satisfactory service.

After consideration the Commission finds and concludes that the proposed transfer will not be adverse to the public interest. The application will be granted. A public hearing is not necessary.

William W. Hughes 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 May 1, 1961, William W. Hughes may sell and transfer and Irish Truck Lines, Inc., may purchase and acquire, the operative rights granted in Decision No. 55253 as amended by Decision No. 55638.

(2) That within thirty days after the consummation of the transfer herein authorized, the purchaser shall notify the Commission, in writing, of the 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, 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 operations here involved to show that William W. Hughes, has withdrawn or canceled, and Irish Truck Lines, Inc., 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 Order No. 80.

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

Dated at San Francisco, California, this 20th day of DECEMBER, 1960.

Carroll R. ...
 President

Walter ...

...

Theodore ...
 Commissioners