

Decision No. 61929**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WATER-LAND TRUCK LINES, a corporation,
 to sell, and ESTERO CORPORATION, doing
 business as Estero Corporation and also
 under the fictitious name of Hi-Ball
 Trucking, a corporation, to purchase a
 certificate of public convenience and
 necessity authorizing service as a
 highway common carrier of freight.

Application No. 43244

O P I N I O N

Water-Land Truck Lines requests authority to sell and transfer and Estero Corporation, doing business as Estero Corporation and also under the fictitious name of Hi-Ball Trucking, requests authority to purchase and acquire certain highway common carrier operative rights.

The rights involved authorize the transportation of property between Los Angeles, on the one hand, and Wilmington and San Pedro, on the other hand, and between Wilmington and Long Beach. According to the terms of the sales agreement, a copy of which is attached to the application, the transfer calls for a cash consideration of \$10,000. A value of \$1,800 is placed upon the operative rights; the balance represents good will.

Applicant Buyer is presently engaged as a permitted carrier. As of December 31, 1960, applicant Buyer indicated a net worth in the amount of \$168,494.35.

It is alleged that applicant Seller desires to operate as a permitted carrier because of limited equipment and that applicant Buyer, possessing more extensive equipment, desires to

meet the business needs and requirements of its customers by providing a more complete service.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

Estero 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.

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 September 1, 1961, Water-Land Truck Lines is hereby authorized to transfer and sell, and Estero Corporation, may purchase and acquire, the operative rights acquired by Decision No. 51324, dated April 12, 1955, in Application No. 36793.

2. That, within thirty days after the consummation of the transfer herein authorized, 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, 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 operations here involved, to show that Water-Land Truck Lines has withdrawn or canceled, and Estero Corporation has adopted or established as its 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 1st day of May, 1961

[Signature]
 President

[Signature]

[Signature]

[Signature]
 Commissioners