

Decision No. 63179**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 E. W. RUBER, doing business as)
 RUBER TRANSPORTATION COMPANY, for)
 authority to transfer certain)
 operating rights as a petroleum)
 irregular route carrier; and of)
 RUBER TRANSPORTATION, INC., to)
 purchase and acquire such operating)
 rights, pursuant to Sections 851-853)
 of the California Public Utilities)
 Code.)

Application No. 44017

O P I N I O N

E. W. Ruber, doing business as Ruber Transportation Company, having recently incorporated, requests authority to transfer certain petroleum irregular route carrier operative rights to Ruber Transportation, Inc. The rights were created by Decision No. 44387. No value was placed upon said rights.

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

Applicant purchaser 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 April 15, 1962, E. W. Ruber may transfer and Ruber Transportation, Inc., may acquire the operative authority granted in Decision No. 44387 in Application No. 31232 according to the terms of the agreement attached to 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 such 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 petroleum irregular route carrier operations here involved, to show that E. W. Ruber has withdrawn or canceled and that Ruber Transportation, 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 26th day of January, 1962.

Ernest R. Page

President

George H. Grover

Frederic B. Hobbieff

Commissioners

Peter E. Mitchell

C. Lyn Fox

Commissioner S, being necessarily absent, did not participate in the disposition of this proceeding.