

ORIGINAL

63747

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MOJAVE CORPORATION, a corporation,
 to sell, and of SALVADOR J. SISNEROS,
 an individual doing business as
 INTERNATIONAL TRANSPORTATION CO., to
 purchase, a petroleum irregular route
 certificate of public convenience and
 necessity between all points in the
 State of California, pursuant to
 Sections 851-853 of the California
 Public Utilities Code.

Application No. 44389

O P I N I O N

Mojave Corporation requests authority to sell and transfer and Salvador J. Sisneros, doing business as International Transportation Co., requests authority to purchase and acquire operating authority authorizing the transportation of petroleum and petroleum products in tank trucks between all points in the State of California as a petroleum irregular route carrier.

The operative rights were granted by Decision No. 44771 dated September 11, 1950. The agreed cash consideration is \$700. Applicant purchaser presently owns two combination units of bulk petroleum equipment. He has been engaged in the transportation business for approximately 16 years and as of December 31, 1961, he indicated a net worth in the amount of \$4,278.46.

It is alleged that applicant seller desires to withdraw from for-hire transportation of petroleum products in bulk.

After consideration the Commission finds and concludes that the proposed transfer would not be adverse to the public interest and

that applicant purchaser possesses the necessary experience and financial ability to conduct the proposed service.

A public hearing is not necessary.

Salvador J. Sisneros 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 that:

1. On or before October 1, 1962, Mojave Corporation may sell and transfer, and Salvador J. Sisneros may purchase and acquire, the operative rights granted by Decision No. 44771.

2. 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. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved to show that Mojave Corporation has withdrawn or canceled, and Salvador J. Sisneros has adopted or established, as his own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. 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 28th day of MAY, 1962

Cecil R. Rago
 President

E. J. ...

S. ...

George L. ...

Fredrick B. Hobbloff
 Commissioners