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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of DONALD G. VINES,)
an individual, doing business as)
RESORT FREIGHT LINES, to sell and)
HENRY C. ESPINOSA, an individual,)
to buy, highway common carrier)
certificate. }

Application No. 44442

O P I N I O N

Donald G. Vines, doing business as Resort Freight Lines, requests authority to sell and Henry C. Espinosa, requests authority to purchase certain highway common carrier operative rights.

The rights were acquired by applicant Vines by Decision No. 57853, dated January 13, 1959, in Application No. 40627, and authorize the transportation of general commodities between points in Lake County. Said rights were suspended by Decision No. 62036 dated May 13, 1961. The agreed cash consideration is \$350.

Applicant buyer has been operating as a permitted carrier for over five years. He owns and operates three van-type trucks and as of February 28, 1962, indicated a net worth in the amount of \$23,858.66.

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

Henry C. Espinosa 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 having determined that the application should be granted,

IT IS ORDERED that:

1. On or before December 1, 1962, Donald G. Vines may sell and transfer, and Henry C. Espinosa may purchase and acquire, the operative rights referred to in the application, and said rights are hereby reinstated.

2. Within thirty days after the consummation of the transfer herein authorized, Henry C. Espinosa 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. 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 Donald G. Vines has withdrawn or canceled, and Henry C. Espinosa 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-A.

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

Dated at San Francisco, California, this 14th day of AUGUST, 1962.

George E. Cover
 President
John R. Mitchell
Fredrick B. Halbach

 Commissioners

C. Lyn Fox
 Commissioners Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.