

ORIGINAL

Decision No. 65146

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of DEALERS TRANSIT, INC., a corporation, and BELYEA TRUCK CO., a corporation, for authority to merge certain operating rights as a P.I.R. carrier of BELYEA TRUCK CO. into DEALERS TRANSIT, INC., pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 45020
Filed December 6, 1962

O P I N I O N

This is an application for an order of the Commission authorizing Belyea Truck Co., a corporation, to transfer its operative rights to Dealers Transit, Inc., in connection with the merger of the former into the latter.

Belyea Truck Co., a corporation, operates as a public utility under the jurisdiction of this Commission (1) as a warehouseman pursuant to operative rights determined on August 23, 1960, in Case No. 6868, and (2) as a highway common carrier and a petroleum irregular route carrier under certificates of public convenience and necessity acquired pursuant to authority granted by Decision No. 51659, dated July 12, 1955, in Application No. 37027. Both Belyea Truck Co. and Dealers Transit, Inc., operate as highway common carriers under certificates of public convenience and necessity granted by the Interstate Commerce Commission.

On May 29, 1962, Division 3 of the Interstate Commerce Commission adopted a hearing examiner order which, among other things, authorized (1) Dealers Transit, Inc., to acquire control of Belyea Truck Co. through purchase of its capital stock, and (2) concurrent merger of the operating rights and property of the latter into the former for ownership, management and operation.

After consideration, this Commission finds that the proposed transfer of the California intrastate operative rights would not be adverse to the public interest. A public hearing is not necessary.

Dealers Transit, Inc., 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. 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.

The action taken herein shall not be construed to be a finding of the value of the operative rights to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before June 30, 1963, Belyea Truck Co., a corporation, may transfer, and Dealers Transit, Inc., may acquire, the operative rights referred to in this proceeding.

2. Within thirty days after the consummation of the transfer herein authorized, Dealers Transit, Inc., 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. Dealers Transit, Inc., shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the operations herein to show that it has adopted or established, as its own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten 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 Orders Nos. 61-A and 80-A.

4. Concurrent with the consummation of the transfer authorized by Ordering Paragraph 1 hereof, the prescriptive warehouse operative authority set forth in the order dated August 23, 1960, in Case No. 6868, is hereby revoked and, in place and stead thereof, prescriptive operative rights as a public utility warehouseman are stated for Dealers Transit, Inc., as more particularly set forth in Appendix A attached hereto.

5. In providing service pursuant to the operative authorities set forth herein, Dealers Transit, Inc., shall comply with and observe the following service regulation:

Within thirty days after the effective date hereof, it shall file a written acceptance of the operative rights herein stated. By accepting such operative rights, it is placed on notice that it will be required, among other things, to file annual reports of its operations. Failure to file such reports, in such form and at such time as the Commission may direct, may result in a cancellation of the operative authorities referred to herein.

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

Dated at San Francisco, California,
this 2nd day of APRIL, 1963.

George H. Hoover
President
John L. Mitchell
Wesley W. Rose
Frederick B. Hallock
Dallan W. Brink
Commissioners

DEALERS TRANSIT, INC.
(a corporation)

Dealers Transit, Inc., possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Huntington Park and vicinity	6,000
Dominguez and vicinity	10,000
(Both in Los Angeles County)	

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

End of Appendix A

Issued by California Public Utilities Commission.
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