

Decision No. 66610

**CONFIDENTIAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ROZAY'S TRANSFER, a corporation, to )  
 sell, and of OSCAR FINE and HERMAN )  
 GRANOFISKY, copartners, doing business )  
 under the fictitious firm name of )  
 O & H TRUCKING CO., to purchase, a )  
 certificate of public convenience and )  
 necessity for the transportation of )  
 general commodities, between points )  
 in the Los Angeles Territory, pur- )  
 suant to Sections 851-853 of the )  
 California Public Utilities Code. )

Application No. 45969

O P I N I O N

Rozay's Transfer requests authority to sell and Oscar Fine and Herman Granofsky, doing business as O & H Trucking Co., request authority to purchase a certificate of public convenience and necessity authorizing the transportation of general commodities between points in the Los Angeles Territory.

The operating authority was granted by Decision No. 60870, as amended by Decision Nos. 61458 and 64049, and was registered with the Interstate Commerce Commission.

The agreed consideration is \$12,500 payable as follows: \$3,000 cash and the balance payable in monthly installments of \$250 or more plus interest at the rate of six percent per annum.

Applicant purchasers are presently operating in the Los Angeles area pursuant to permits issued by this Commission. They own and operate 14 units of equipment. As of October 31, 1963, they indicated a net worth in the amount of \$10,952.95 and for the 10 months ending October 31, 1963, realized a net profit in the amount of \$28,500.

By Decision No. 66219, dated October 29, 1963, in Application No. 45727, applicant seller was authorized to acquire from the Kling Cartage Co. a certificate authorizing the transportation of general commodities to points within the Los Angeles Basin Territory.

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

The issue of the securities herein authorized is reasonably required for the purposes specified herein and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

Oscar Fine and Herman Granofsky are 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

IT IS ORDERED that:

1. On or before July 1, 1964, Rozay's Transfer may sell and transfer, and Oscar Fine and Herman Granofsky, doing business under the name of O & H Trucking Co., may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Oscar Fine and Herman Granofsky 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. Oscar Fine and Herman Granofsky shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that they have adopted or established, as their 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 to 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.

4. On or before the end of the third month, after the consummation of the transfer as herein authorized, applicant purchasers shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

5. Applicant purchasers are hereby authorized to incur indebtedness in the amount of \$9,500.

The authority herein granted to issue a note will become effective when applicants have paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25. In other

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

Dated at San Francisco, California, this 14<sup>th</sup> day of JANUARY, 1964.

*William L. Brandt*  
President

*Earl D. Smith*

*Everett W. Rogers*

*George L. Crover*

*Fredrick B. Holoboff*  
Commissioners

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

**PAID**

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By *WME*