

ORIGINALDecision No. 67110

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LLOYD F. HARVEY to sell, and)
WILLIAM G. WEBSTER, doing busi-)
ness as BILL WEBSTER & SONS, to)
purchase certain property and)
operating rights of a passenger)
stage corporation and a highway)
common carrier.)

Application No. 46274
(Filed March 10, 1964)

O P I N I O N

Lloyd F. Harvey requests authority to sell and transfer and William G. Webster requests authority to purchase and acquire certain property and operating authority.

Decision No. 56218 authorizes the transportation of passengers, as a passenger stage corporation, and the transportation of general commodities, with certain exceptions, as a highway common carrier, between Barstow and Stovepipe Wells, California. The property consists of three panel trucks, one hoist, one scale, nine spare wheels with tires, two lube guns and six extra gas tanks, valued at \$11,850. The agreed cash consideration is \$12,500.

Applicant buyer has been engaged in various service station and garage businesses in Barstow, California for several years. As of February 28, 1964, he indicated a net worth in the amount of \$29,350.

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

William G. Webster 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

IT IS ORDERED that:

1. On or before September 1, 1964, Lloyd F. Harvey may sell and transfer, and William G. Webster may purchase and acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, William G. Webster 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 and timetables on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that Lloyd F. Harvey has withdrawn or canceled, and William G. Webster has adopted or established, as his own, said rates, rules and regulations. The tariff and timetable 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 and timetable filings shall be concurrent with the consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79, 80-A and 98.

4. On or before the end of the third month, after the consummation of the transfer as herein authorized, William G. Webster 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.

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

Dated at San Francisco, California, this 21st day of April, 1964.

William W. Bennett
President

George E. ...

... ..

George H. ...

Fredrick B. Haloboff
Commissioners