

Decision No. 71923**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MAX RUDOLPH (MAX
RUDOLPH TRUCKING), to transfer
petroleum irregular route carrier
certificate to MAX RUDOLPH
ASSOCIATES, a partnership comprised
of MAX RUDOLPH, GWENDOLYN H.
RUDOLPH, DARCY R. JAMES, ROBIN
RUDOLPH ORCUTT, and PAUL RUDOLPH
dba MAX RUDOLPH TRUCKING.

Application No. 48956
(Filed November 17, 1966)

O P I N I O N

Max Rudolph, doing business as "Max Rudolph Trucking", requests authority to transfer and "Max Rudolph Associates", a copartnership composed of Max Rudolph, Gwendolyn H. Rudolph, Darcy R. James, Robin Rudolph Orcutt and Paul Rudolph, doing business as "Max Rudolph Trucking", requests authority to acquire a petroleum irregular route carrier certificate.

The certificate was granted by Decision No. 45157 dated December 19, 1950, in Application No. 31822.

It is alleged that "Max Rudolph Associates" has been operating as a petroleum irregular route carrier since January 1, 1955 under the mistaken belief that the certificate issued to Max Rudolph was transferrable to the family partnership, which is managed by Max Rudolph, without the need of authorization by this Commission.

As of November 17, 1966 "Max Rudolph Associates" indicated a net worth in the amount of \$341,987.

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

Transferees 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 June 1, 1967, Max Rudolph may sell and transfer, and Max Rudolph, Gwendolyn H. Rudolph, Darcy R. James, Robin Rudolph Orcutt and Paul Rudolph may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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. Purchasers shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that they have adopted or established, as their own, said rates and rules. 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

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

5. Whenever Max Rudolph Associates engages other carriers for the transportation of property of Max Rudolph and/or Gwendolyn H. Rudolph and/or Darcy R. James and/or Robin Rudolph Orcutt and/or Paul Rudolph or Max Rudolph Associates or Max Rudolph Trucking or Condor Motors or customers or suppliers of said individuals, partnership or companies, carrier shall not pay such carriers less than rates and charges published in the carrier's tariffs on file with this Commission.

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

Dated at San Francisco, California, this 24th day of JANUARY, 1967.

[Signature]
President
[Signature]
Attorney
[Signature]

Commissioners

WILLIAM SYMONS, JR.
Commissioner..... did not participate in the disposition of this proceeding.