

ORIGINAL

Decision No. 72988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of EDWARD A. ULREY to transfer a
Certificate to Operate as a Cement
Carrier to HARRY W. STANGELAND, an
individual.

Application No. 49398
(Filed May 24, 1967)

O P I N I O N

Edward A. Ulrey seeks authority to transfer his certificate authorizing operations as a cement carrier to Harry W. Stangeland. Copies of the application were served upon parties believed to have an interest in the matter and notice of the filing of the application appeared on the Commission's Daily Calendar. There are no protests.

By Resolution No. 13821, Sub. No. 1, dated June 23, 1964, in Application No. 46350, Ulrey was granted a certificate authorizing cement carrier operations to and within the Counties of Los Angeles, San Diego, San Luis Obispo and Santa Barbara. Because of illness which prevents him from conducting operations, Ulrey wishes to sell and transfer this operative right to Stangeland for the sum of \$4,500.

Stangeland now holds a certificate authorizing cement carrier operations to and within the Counties of Kern, Kings and Ventura. He desires to acquire the Ulrey operative right in order to expand the scope of his operations. Financial statements attached to the application disclose that he has the resources to conduct the operation.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for,

in the event the transfer is consummated, the revocation of the certificates presently held by Ulrey and by Stangeland and the issuance to Stangeland of a new certificate in appendix form restating said operative rights.

Harry W. Stangeland 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1967, Edward A. Ulrey may sell and transfer, and Harry W. Stangeland may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Harry W. Stangeland 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. Harry W. Stangeland shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that he has adopted or established, as his 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 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. 117.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Harry W. Stangeland, an individual, 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity shall be granted to Harry W. Stangeland, an individual, authorizing him to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate granted by Resolution No. 13821, Sub. No. 1, in Application No. 46350 and the certificate granted by Resolution No. 13821, Sub. No. 11, in

Application No. 46569, which certificates are revoked concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

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

Dated at San Francisco, California, this 29th day of August, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

ben

APPENDIX A

HARRY W. STANGELAND

Original Page 1

Harry W. Stangeland, an individual, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a cement carrier from any and all points of origin to all points and places within the Counties of Kern, Kings, Los Angeles, San Diego, San Luis Obispo, Santa Barbara and Ventura.

(End of Appendix A)

Issued by California Public Utilities Commission.

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