

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of CARTER TRUCKING, a California
corporation, for authority to
transfer operating rights, and
DALE C. HANSEN, an individual,
doing business as MODERN TRANS-
PORTATION, for authority to
acquire operating rights.

Application No. 49644
(Filed August 29, 1967; Amended
September 21, 1967)

O P I N I O N

By this application Carter Trucking, a California corporation, seeks authority to transfer and Dale C. Hansen, an individual, doing business as Modern Transportation, seeks authority to acquire certain highway common carrier certificates of public convenience and necessity. There are no protests.

By Decision No. 68735, dated March 17, 1965, in Application No. 47200, Carter Trucking was granted permission to acquire certain highway common carrier certificates of public convenience and necessity which authorize the transportation of general commodities, with certain exceptions between San Francisco, Oakland, San Jose and intermediate points. The rights are also reflected in a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC-127434 (Sub-No. 1).

The application states that on or about November 18, 1966, Carter Trucking ceased operations because of financial circumstances. It was adjudged bankrupt on the filing of its voluntary petition in bankruptcy in the United States District Court, Northern District of California, in Bankruptcy Proceedings No. 98081, on January 20, 1967.

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Dale C. Hansen, doing business as Modern Transportation, acquired the operating rights by order of the Bankruptcy Court, subject to approval of the Public Utilities Commission and the Interstate Commerce Commission. The purchase price for the interstate and intrastate operating rights is \$10,500.

Dale C. Hansen, doing business as Modern Transportation, operates as a for-hire carrier within California pursuant to Radial Highway Common Carrier Permit No. 43-5205. As of June 30, 1967 he indicated a net worth of \$13,353.03.

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

Dale C. Hansen, doing business as Modern Transportation, 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.

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

O R D E R

IT IS ORDERED that:

1. On or before April 1, 1968, Carter Trucking may sell and transfer, and Dale C. Hansen, doing business as Modern Transportation, 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, Dale C. Hansen, doing business as Modern Transportation, shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any instrument of transfer which may be executed to effect said transfer.

3. Dale C. Hansen, doing business as Modern Transportation, 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. 80-A. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority granted by this decision.

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4. Concurrently with the effective date of the tariff filings required by ordering paragraph 3 hereof, the certificates of public convenience and necessity acquired by Carter Trucking by Decision No. 68735 dated March 17, 1965, and suspended by Resolution No. 174 dated August 1, 1967, in Application No. 47200 are reinstated and Resolution No. 174 is vacated.

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

Dated at San Francisco, California, this 14th day of NOVEMBER, 1967.

[Signature]
President

[Signature]

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Commissioners