

ORIGINALDecision No. 73345

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 KENOSHA AUTO TRANSPORT CORPORATION,
 an Ohio corporation, for authority
 to transfer the certificate of
 public convenience and necessity
 authorizing the transportation of
 motor vehicles and related items,
 created by Decision No. 45990 on
 Application No. 31018, to JUPITER
 KENOSHA, INC., a Wisconsin corpo-
 ration, and thereafter for the
 latter to change its name to
 KENOSHA AUTO TRANSPORT CORPORATION.

Application No. 49669
 (Filed September 13, 1967)

O P I N I O N

Kenosha Auto Transport Corporation, an Ohio corporation, seeks authority to transfer its highway common carrier certificate to Jupiter Kenosha, Inc., a Wisconsin corporation. Both corporations are qualified to do business in California. There are no protests.

Pursuant to authority granted by Decision No. 47926, dated November 18, 1952, in Application No. 33823, Kenosha Auto Transport Corporation acquired a highway common carrier certificate which authorizes the transportation of motor vehicles and related items generally between Santa Rosa and Sacramento, on the north, and the California-Mexico Border, on the south, over certain designated highways.

The application states that the purpose and intent of the proposed transfer is to accomplish a corporate reorganization by transferring all of the operating authorities and assets covering both interstate and intrastate operations throughout the United States. Concurrently with the consummation of the contemplated

transfer Jupiter Kenosha, Inc. intends to change its name to Kenosha Auto Transport Corporation, and authority is also requested to effectuate such change of name.

The application alleges that the net result of the transfers, both interstate and intrastate, will be that the operations heretofore conducted under the name of Kenosha Auto Transport Corporation, an Ohio corporation, will thereafter be carried on in the same manner as in the past, but in the name of Kenosha Auto Transport Corporation, a Wisconsin corporation. The same facilities and personnel will be used by the transferee as have previously been used by the transferor.

Attached to the application is a balance sheet giving effect to the corporate reorganization which shows that as of March 31, 1967, the transferee would have had total assets of \$13,820,890 and current liabilities of \$2,739,453.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order.

Jupiter Kenosha, Inc. is 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 April 1, 1968, Kenosha Auto Transport Corporation, an Ohio corporation, may transfer, and Jupiter Kenosha, Inc., a Wisconsin corporation, may acquire the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized Jupiter Kenosha, Inc. 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. Jupiter Kenosha, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its 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.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Jupiter Kenosha, Inc. 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 Kenosha Auto Transport Corporation for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. Should Jupiter Kenosha, Inc. change its name it shall file amended articles of incorporation indicating its new name.

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]

[Signature]

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Commissioners