

**ORIGINAL**

Decision No. 73718

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of RUTH A. GRAY, an individual, doing business as GEORGE GRAY TRUCKING, to transfer the cement carrier certificate of George Gray Trucking from Ruth A. Gray and Ray Edwards, Administrator of the Estate of George Gray, Deceased, George Gray Trucking, and for RUTH A. GRAY to acquire such certificate.

Application No. 49808  
(Filed November 17, 1967)

O P I N I O N

By Resolution No. 13823, Sub. 3, dated June 23, 1964, in Application No. 46432, the Commission granted a cement carrier certificate to George Gray, an individual doing business as George Gray Trucking, who is now deceased.

Ruth A. Gray, as the surviving spouse and sole heir of George Gray, and Ruth A. Gray and Ray Edwards, as Administrator of the Estate of George Gray, Deceased, request that the cement carrier certificate be transferred to said Ruth A. Gray. The application states that probate of the estate has been completed and distribution has been authorized by the probate court.

The transfer is not adverse to the public interest. A public hearing is not necessary. The order which follows will authorize Ruth A. Gray to inherit and acquire the certificate issued to George Gray and will restate said operative rights.

Ruth A. Gray 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 acquired.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1968, Ruth A. Gray, as the surviving spouse and sole heir of George Gray, Deceased, may inherit and acquire the operative right referred to in the application and restated in Appendix A attached hereto and made a part hereof.
2. Within thirty days after the acquisition herein authorized, Ruth A. Gray shall notify the Commission, in writing, of that fact.
3. Ruth A. Gray shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that she has adopted or established, as her 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 acquisition 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. Failure to

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comply with and observe the provisions of General Order No. 117 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 acquisition as herein authorized, Ruth A. Gray 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 Estate of George Gray for the period commencing with the first day of the current year to and including the date of acquisition.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of FEBRUARY, 1968.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners

RUTH A. GRAY  
doing business as  
GEORGE GRAY TRUCKING

Ruth A. Gray, an individual, doing business as George Gray Trucking, by the certificate of public convenience and necessity granted to George Gray by Resolution No. 13823, Sub. 3, dated June 23, 1964, in Application No. 46432, and inherited and acquired by Ruth A. Gray pursuant to authority 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 listed below and subject to the restriction specified below:

Counties of: Kern, Los Angeles, Orange, Riverside  
and San Bernardino.

Restriction: Whenever carrier engages other carriers for the transportation of property of Ruth A. Gray or customers or suppliers of said Ruth A. Gray, carrier shall not pay such carriers less than 100 percent of the applicable minimum rates and charges established by the Commission for the transportation actually performed by such other carriers.

Issued by California Public Utilities Commission.

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