

ORIGINALDecision No. 74683

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of SIERRA DISTRIBUTING LTD., a
 California corporation, for
 authority to transfer its certifi-
 cate to TERMINALS TRANSFER, INC.,
 a California corporation, pursu-
 ant to California Public Utilities
 Code Sections 851-53.)

Application No. 50466
 Filed August 7, 1968

O P I N I O N

Sierra Distributing Ltd. requests authority to sell and transfer and Terminals Transfer, Inc., requests authority to purchase and acquire certain highway common carrier operative rights.

The authority was granted by Decision No. 51313, dated April 12, 1955, in Application No. 36786, and authorizes operations within the San Francisco-East Bay Cartage Zone. The agreed consideration is \$7,000 payable as follows: \$250 on deposit; \$4,750 on closing date; and the balance to be paid six months thereafter.

Terminals Transfer, Inc., is a newly formed corporation whose shares of stock are equally owned by Ellett G. Horsman and Christopher Redlich. The same individuals own equally all of the outstanding stock of Thomas H. Marrow Trucking Co., a highway common carrier operating pursuant to authority duly issued by this Commission. As of August 7, 1968 applicant buyer indicated a net worth in the amount of \$10,000.

The application was listed on the Commission's Daily Calendar of August 9, 1968. No objection to the granting of the application has been received.

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

Terminals Transfer, Inc., 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.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1969, Sierra Distributing Ltd. may sell and transfer, and Terminals Transfer, Inc., may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Terminals Transfer, 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. Terminals Transfer, 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, Terminals Transfer, 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 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 providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-D.
- b. Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31

of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 17th day of SEPTEMBER, 1968.

William Symons, Jr.
President
John E. Mitchell
Stella M. Berin
Augusta
Paul P. Monsey
Commissioners