

ORIGINALDecision No. 74807

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of LAS VEGAS TRUCK LINE, INC., a
corporation, to sell, and LAS VEGAS
TANK LINES, INC., a corporation,
doing business as LAS VEGAS TRUCK
LINE, to purchase highway common
carrier operating rights, pursuant to
Sections 851-853 of the California
Public Utilities Code.

Application No. 50526
(Filed August 30, 1968)

O P I N I O N

Las Vegas Truck Line, Inc., a California corporation, requests authority to transfer and Las Vegas Tank Lines, Inc., a Nevada corporation, doing business as Las Vegas Truck Line, requests authority to acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 56845 dated June 17, 1959, in Application No. 39896 and authorizes the transportation of general commodities as follows:

1. Nipton and Goffs and all points within 35 miles of that certain unnumbered highway between Nipton and Goffs by way of Ivanpah and Barnwell.
2. Los Angeles Basin Territory, as defined in Item No. 270-A of Minimum Rate Tariff No. 2, on the one hand, and Nipton and Goffs and all points within 35 miles of that certain unnumbered highway between Nipton and Goffs by way of Ivanpah and Barnwell, on the other hand.
3. Nipton and Goffs and all points within 35 miles of that certain unnumbered highway between Nipton and Goffs by way of Ivanpah and Barnwell, on the one hand, and points and places located on U.S. Highway 66 between Los Angeles and Essex, and points and places on U.S. Highway 91 between Barstow and Lakeview, on the other hand.

By order of the Interstate Commerce Commission dated June 28, 1968, the Nevada Corporation was granted certain interstate authority subject to the condition that it submit to the Interstate Commerce Commission, within 90 days thereafter, a certified copy of an order of this Commission authorizing the transfer herein requested.

The application was listed on the Commission's Daily Calendar of September 5, 1968. No objection to the granting of the application has been received.

The transfer is the result of an agreement entered into on April 1, 1964 and as amended on August 29, 1968 by and between applicants herein whereby the Nevada Corporation acquired all of the outstanding stock of the California Corporation.

As of December 31, 1967, the Nevada Corporation, which is authorized to do business in California pursuant to Section 704 of the Public Utilities Code, indicated a net worth in the amount of \$51,494.

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

Las Vegas Tank Lines, 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 March 1, 1969, Las Vegas Truck Lines, Inc. may sell and transfer and Las Vegas Tank Lines, 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, Las Vegas Tank Lines, 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. Las Vegas Tank Lines, 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, Las Vegas Tank Lines, 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

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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, Las Vegas Tank Lines, Inc. 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. 100-3. ✓

(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 Los Angeles, California, this 9th day of OCTOBER, 1968.

William J. ...
President

William W. ...

Augustus ...
Ed P. ...
Commissioners