

ORIGINALDecision No. 75103

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 HAROLD HALLMAN, an individual dba
 H. HALLMAN TRANSPORTATION COMPANY,
 to transfer, and of EDWARD L. HESTON,
 an individual, to purchase highway
 common carrier rights, pursuant to
 Sections 851-853 of the California
 Public Utilities Code.

Application No. 50668
 (Filed November 6, 1968)

O P I N I O N

Harold Hallman requests authority to sell and transfer and Edward L. Heston requests authority to purchase and acquire certain operating authority and property.

The operating authority was granted by Decision No. 65370 dated May 14, 1963 in Application No. 45256 and authorizes the transportation of general commodities between Sacramento, Pederson Corner, North San Juan, Camptonville, Indian Valley Outpost, Goodyear's Bar, Downieville and Sierra City. The property to be transferred includes a 1961 GMC van type truck, hand cart, tire chains and office equipment.

The agreed consideration is \$15,000 to be paid as follows:

A cash payment of \$4,350 upon execution of the agreement and the balance of \$10,650 to be evidenced by a promissory note bearing interest at the rate of 6 percent per annum, payable in monthly installments of \$250 per month commencing January 10, 1969.

Applicant buyer has actively engaged in trucking operations for the past sixteen years. As of October 1, 1968, applicant buyer indicated a net worth in the amount of \$13,307.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. A public hearing is not necessary.

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

Edward L. Heston 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 July 1, 1969, Harold Hallman may sell and transfer, and Edward L. Heston 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, Edward L. Heston 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. Edward L. Heston 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 five days after the effective date of this order on not less than five 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, Edward L. Heston 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. On or after the effective date hereof and on or before July 1, 1969, Edward L. Heston, for the purposes specified in this proceeding, may issue a promissory note in the principal amount of not exceeding \$10,650. The note shall be in the same form, or in

substantially the same form, as Exhibit No. 4 attached to the application.

6. Edward L. Heston shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

The authority herein granted to issue a note will become effective when Edward L. Heston has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25. In other respects the effective date of this order shall be twenty days after the date hereof.

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

William Synors Jr.
President

Augustin
Paul P. Morrison
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

