

ORIGINAL

Decision No. 75143

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
)
 COAST CARTAGE CO., a corporation, to)
 sell, and of RALPH L. HARRIS,)
 FLORENCE L. HARRIS, GLENN M. HARRIS)
 and ROBERTA S. HARRIS, Copartners)
 doing business under the fictitious)
 firm name of HARRIS TRANSPORTATION)
 COMPANY, to purchase, a certificate)
 of public convenience and necessity)
 for the transportation of general)
 commodities, between points in the)
 Los Angeles Basin Territory, pursuant)
 to Sections 851-853 of the California)
 Public Utilities Code.)

Application No. 50724
Filed December 4, 1968

O P I N I O N

This is an application for an order of the Commission authorizing Coast Cartage Co., a corporation, to sell its intrastate certificate of public convenience and necessity to Ralph L. Harris, Florence L. Harris, Glenn M. Harris and Roberta S. Harris, copartners doing business as Harris Transportation Company.

Coast Cartage Co. is a California corporation operating in the Los Angeles Basin Territory as a highway common carrier of general commodities, with certain exceptions, pursuant to the certificate of public convenience and necessity granted by Decision No. 62906, dated December 5, 1961, in Application No. 43164.

Ralph L. Harris, Florence L. Harris, Glenn M. Harris and Roberta S. Harris, copartners doing business as Harris Transportation Company, operate as a cement carrier pursuant to the certificate of public convenience and necessity granted by Resolution No. 13825, Sub. No. 52, dated June 23, 1964. As of September 30, 1968, they report total assets of \$841,673 offset by liabilities and capital amounting to \$97,238 and \$754,435, respectively.

Coast Cartage Co. has agreed to sell to said copartners for a cash consideration of \$25,000 its intrastate certificate of public convenience and necessity and the related Certificate of Registration issued by the Interstate Commerce Commission.

After consideration the Commission finds that the proposed sale and transfer would not be adverse to the public interest. On the basis of this finding we conclude that the application should be granted. A public hearing is not necessary.

The copartners are 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, these rights extend to the holders a full or partial monopoly of a class of business. 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 June 30, 1969, Coast Cartage Co. may sell and transfer, and Ralph L. Harris, Florence L. Harris, Glenn M. Harris and Roberta S. Harris may purchase and acquire, the certificate of public convenience and necessity granted by Decision No. 62906, dated December 5, 1961, in Application No. 43164.

2. Within thirty days after the consummation of the transfer herein authorized, Ralph L. Harris, Florence L. Harris, Glenn M. Harris and Roberta S. Harris 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. Ralph L. Harris, Florence L. Harris, Glenn M. Harris and Roberta S. Harris shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that they have adopted or established, as their own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the date of this order on not less than ten 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 acquired pursuant to this decision.

4. The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th day of DECEMBER, 1968.

William J. Synors, Jr.
President

Fred P. Monseur
Commissioners

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

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.