

**ORIGINAL**Decision No. 75157

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DOROTHY SILL NOBLES,  
 individually and as Executrix of the  
 Estate of Joseph John Nobles, deceased,  
 doing business as NOBLES TRUCKING  
 COMPANY, to transfer, and of DOROTHY  
 SILL NOBLES, GERTRUDE SILL, CATHERINE  
 HAUPT, and CLAIRE O'CONNOR, to purchase  
 a cement carrier certificate.

Application No. 50690  
 (Filed November 19, 1968)

O P I N I O N

Dorothy Sill Nobles and Dorothy Sill Nobles as Executrix of the Estate of Joseph John Nobles, deceased, request authority to sell and transfer and Dorothy Sill Nobles, Dorothy Sill Nobles as Trustee of the Joseph John Nobles Trust, Gertrude Sill, Catherine Haupt and Claire O'Connor, a partnership doing business as Nobles Trucking Company, request authority to purchase and acquire certain operating equipment and a certificate of public convenience and necessity authorizing operations as a cement carrier.

The operating authority was set forth in Resolution No. 13825, Sub No. 57 in File T-53,457, dated June 23, 1964, and authorized operations in the Counties of Fresno, Kern, San Luis Obispo, Santa Barbara, Ventura, Orange, Los Angeles, San Bernardino, and Tulare.

The equipment consists of six units, including two tractors and four trailers. The agreed consideration is \$39,000 payable in monthly installments of \$650 with interest at the rate of 8 percent per annum on the unpaid balance.

As of January 9, 1968, Nobles Trucking Company indicated a net worth in the amount of \$20,465.

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 indebtedness herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expense or income. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Dorothy Sill Nobles and Dorothy Sill Nobles as Executrix of the Estate of Joseph John Nobles, deceased, as co-partners. A public hearing is not necessary.

Dorothy Sill Nobles, Dorothy Sill Nobles as Trustee of the Joseph John Nobles Trust, Gertrude Sill, Catherine Haupt and Claire O'Connor 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, 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 application was listed on the Commission's Daily Calendar of November 21, 1968. No objection to the granting of the application has been received.

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

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1969, Dorothy Sill Nobles, individually and as Executrix of the Estate of Joseph John Nobles, deceased, may sell and transfer, and Dorothy Sill Nobles, Dorothy Sill Nobles as Trustee of the Joseph John Nobles Trust, Gertrude Sill, Catherine Haupt and Claire O'Connor 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, purchasers 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. Purchasers shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse 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 effective 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. 117. Failure to 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 consummation of the transfer as herein authorized, Dorothy Sill Nobles, Dorothy Sill Nobles as Trustee of the Joseph John Nobles Trust, Gertrude Sill, Catherine Haupt and Claire O'Connor 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 fiscal year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Dorothy Sill Nobles, Dorothy Sill Nobles as Trustee of the Joseph John Nobles Trust, Gertrude Sill, Catherine Haupt and Claire O'Connor.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Resolution No. 13825, Sub No. 57 in File T-53,457, dated June 23, 1964, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. In providing service pursuant to the certificate herein granted, Dorothy Sill Nobles, Dorothy Sill Nobles as Trustee of the Joseph John Nobles Trust, Gertrude Sill, Catherine Haupt and Claire O'Connor 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, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted,

they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, and insurance requirements of the Commission's General Order No. 100 series.

- (b) Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. Applicant purchasers are hereby authorized to incur indebtedness in the amount of \$39,000.

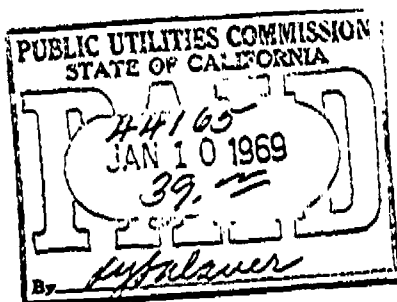
The authority herein granted to issue a note will become effective when applicants have paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$39. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of DECEMBER, 1968.

William J. Brown, Jr.  
President

William J. Brown, Jr.

Richard P. Morrison  
Commissioners



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

Appendix A

DOROTHY SILL NOBLES, DOROTHY  
SILL NOBLES as trustee of the  
JOSEPH JOHN NOBLES TRUST,  
GERTRUDE SILL, CATHERINE HAUPT  
and CLAIRE O'CONNOR, a partner-  
ship doing business as NOBLES  
TRUCKING COMPANY.

Original Page 1

By the certificate of public convenience and  
necessity granted by the decision noted in the margin, the  
above-named individuals are authorized to conduct operations  
as a cement carrier from any and all points of origin to and  
within the Counties of Fresno, Kern, San Luis Obispo, Santa  
Barbara, Ventura, Orange, Los Angeles, San Bernardino, and  
Tulare.

This certificate of public convenience and necessity  
shall lapse and terminate if not exercised for a period of  
one year.

(End of Appendix A)

Issued by California Public Utilities Commission.

Decision No. 75157, Application No. 50690.