

ORIGINAL

Decision No. 75411

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WILLIG FREIGHT LINES, a corporation, to sell, and Wm. H. Hutchison & Sons Service Co., Inc., a corporation, to purchase, a petroleum irregular route common carrier certificate, pursuant to Sections 851-853 of the California Public Utilities Code.)

) Application No. 50840
) (Filed January 27, 1969)

O P I N I O N

Willig Freight Lines requests authority to sell and transfer and Wm. H. Hutchison & Sons Service Co., Inc., requests authority to purchase and transfer a certificate of public convenience and necessity authorizing operation as a petroleum irregular route carrier.

The certificate was granted by Decision No. 44396, dated June 20, 1950, in Application No. 31216. The agreed cash consideration is \$3,250.

Applicant buyer is presently operating as a radial highway common carrier. It owns and operates five units of equipment, including two tank trailers, each with a 4,200-gallon capacity. As of January 1, 1969, applicant buyer indicated a net worth in the amount of \$20,000.

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

Wm. H. Hutchison & Sons Service Co., 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 December 1, 1969, Willig Freight Lines may sell and transfer, and Wm. H. Hutchison & Sons Service Co., Inc., 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, Wm. H. Hutchison & Sons Service Co., 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. Wm. H. Hutchison & Sons Service Co., 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, Wm. H. Hutchison & Sons Service Co., 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.

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

Dated at San Francisco, California, this 11th day of MARCH, 1969.

Augustus
President

Ned P. ...
(1) ...

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Commissioners