

**ORIGINAL**Decision No. 75568

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

In the Matter of the Application of ALFRED W. BELLOWES, an individual doing business as B. & W. Film Delivery, to sell, and of FILM TRANSPORT CO. OF CAL., INC., a corporation, to purchase, a certificate of public convenience and necessity for the transportation of motion picture films and other special commodities, between Los Angeles and Redlands, California, and certain intermediate and off-route points, pursuant to Sections 851-853 of the California Public Utilities Code.

Application No. 50914  
(Filed February 26, 1969)

O P I N I O N

Alfred W. Bellows, doing business as B. & W. Film Delivery, requests authority to sell and transfer, and Film Transport Co. of Cal., Inc., requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier and in addition thereto a 1964 GMC van truck.

The certificate was granted by Decision No. 39006, dated May 21, 1946, in Application No. 27268, as amended by Decision No. 41796, dated June 29, 1948, in Application No. 29275, and authorizes the transportation of motion picture film and related commodities, between Los Angeles and Redlands, with the right to serve specified intermediate points. The agreed cash consideration is \$3,000. A value of \$2,000 is placed on the certificate and a value of \$1,000 is placed on the truck.

Applicant buyer is presently operating as a highway common carrier for the transportation of motion picture film between points

in southern California. It owns and operates 30 units of equipment, and as of November 30, 1968, indicated a net worth in the amount of \$107,438.

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.

Film Transport Co. of Cal., 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, Alfred W. Bellows may sell and transfer, and Film Transport Co. of Cal., 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, Film Transport Co. of Cal., 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. Film Transport Co. of Cal., 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. To the extent of any duplication the highway common carrier operative rights acquired by Film Transport Co. of Cal., Inc., upon consummation of the transfer herein authorized, shall be deemed to be merged so that such operative rights may not later be separated to permit Film Transport Co. of Cal., Inc., to sell or transfer one certificate authority and retain another certificate authority to perform the same service.

5. On or before the end of the third month after the consummation of the transfer as herein authorized, Film Transport Co. of Cal., 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.

6. In providing service pursuant to the certificate herein granted, Film Transport Co. of Cal., 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-E.
- (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 San Francisco, California, this 15th day of APRIL, 1969.

William J. Sproule, Jr.  
President  
Davidson  
John P. Morrissey  
William A. J.  
Commissioners