

**ORIGINAL**Decision No. 75613

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 GLEN SCHOLL and ORLINA C. RYAN, doing  
 business as MARIPOSA EXPRESS, to  
 transfer and sell a Certificate of  
 Public Convenience and Necessity as  
 a Highway Common Carrier previously  
 issued to them, to JACK ARMAS and  
 JEAN ARMAS.

Application No. 50960  
 (Filed March 18, 1969)

O P I N I O N

Glen Scholl and Orlina C. Ryan request authority to sell and transfer, and Jack Armas and Jean Armas request authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a highway common carrier and certain specified property.

The certificate was granted by Decision No. 31418, dated, November 5, 1938, in Application No. 22092, and authorizes operations between Merced and Midpines. The property consists of all equipment, furniture, fixtures, stock in trade and good will of sellers' business operation and includes certificated authority registered with the Interstate Commerce Commission. The cash consideration is \$30,000. As of March 11, 1969, applicant buyers indicated a net worth in the amount of \$55,995.

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

Jack Armas and Jean Armas 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 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 December 1, 1969, Glen Scholl and Orlina C. Ryan may sell and transfer, and Jack Armas and Jean Armas 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 the 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 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 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, purchasers 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 sellers for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. Within thirty days after the effective date hereof, purchasers shall file a written acceptance of the certificate, the transfer of which is herein authorized. They are placed on notice that, if they accept such certificate, they 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.

6. Purchasers 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

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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.

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

Dated at San Francisco, California, this 29th day of APRIL, 1969.

William J. Lyons  
President

Augustus

Paul P. Morrison

W. T. ...

...  
Commissioners