

ORIGINALDecision No. 75852

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MELVIN A. BOLSTAD, an individual,)
 for Authority to Acquire Operating)
 Authority of ALMA E. BOLSTAD,)
 Executrix of the Estate of MYRON)
 BOLSTAD, doing business as PARADISE)
 FREIGHT LINE.)

Application No. 51070
 (Filed May 12, 1969)

O P I N I O N

Alma E. Bolstad, as Executrix of the Estate of her late husband, Myron Bolstad, requests authority to sell and transfer, and her son, Melvin A. Bolstad, requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a highway common carrier and certain property.

The certificate was granted by Decision No. 46352, dated October 31, 1951, in Application No. 32683, and authorizes the transportation of general commodities between Chico and Stirling City and intermediate points via Doon, Lovelock, De Sabla, Magalia and Paradise. The agreed consideration is \$20,000 to be paid in monthly installments of \$250 including interest on the unpaid balance at the rate of 7 percent per annum. As of January 1, 1969 Melvin A. Bolstad indicated a net worth in the amount of \$6,564.

It is alleged that Myron Bolstad died on March 16, 1968, and pursuant to a Decree of Final Distribution of the Superior Court, for the County of Butte, all rights, title and interest held by Myron Bolstad in Paradise Freight Line were transferred to Alma E. Bolstad; Alma E. Bolstad is not familiar with the operation of the

business and Melvin A. Bolstad is thoroughly familiar with the business, having assisted his father in its operation for the past ten years.

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 indebtedness herein authorized are reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expense or to income. A public hearing is not necessary.

Melvin A. Bolstad 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.

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 June 1, 1970, Alma E. Bolstad, as Executrix of the Estate of her late husband, Myron Bolstad, may sell and transfer, and Melvin A. Bolstad 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, purchaser 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. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that he has adopted or established, as his 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, purchaser 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.

5. Within thirty days after the effective date hereof, purchaser shall file a written acceptance of the certificate, the transfer of which is herein authorized. Purchaser is placed on notice that, if he accepts such certificate, he 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. Purchaser shall maintain his 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 his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

7. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, he shall make the appropriate tariff filings as required by the General Order.

8. Melvin A. Bolstad may incur indebtedness in the amount of \$20,000.

The authority herein granted to issue a note will become effective when applicant has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st
day of JULY, 1969.

William Synovius Jr.
President
Augusta
Paul B. Morrison
W. H. Bass
T. A. ...
Commissioners

