

Decision No. 79501

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of RHEA M. McLEOD, as Administratrix
of the Estate of Vincent M. McLeod,
Deceased, doing business as BUDWAY
EXPRESS, to transfer and RHEA M.
McLEOD, an individual, doing business
as BUDWAY EXPRESS, to acquire a
Certificate of Public Convenience
and Necessity.

Application No. 52993
(Filed November 10, 1971)

O P I N I O N

Rhea M. McLeod, as Administratrix of the Estate of Vincent M. McLeod, deceased, requests authority to transfer and Rhea M. McLeod, as an individual, requests authority to acquire a certificate of public convenience and necessity.

The certificate was granted by Decision No. 6954, dated December 17, 1919, in Application No. 5018 and authorized operations as a highway common carrier for the transportation of auto parts, accessories and supplies between various points within the state.

Rhea M. McLeod is the surviving spouse of Vincent M. McLeod. Pursuant to a final order of distribution by the Superior Court of Los Angeles County, Rhea M. McLeod succeeded to all of the assets of Vincent M. McLeod.

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

Rhea M. McLeod 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 these rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. 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 May 1, 1972, Rhea M. McLeod, as Administratrix of the estate of Vincent M. McLeod, deceased, may sell and transfer, and Rhea M. McLeod, as an individual, 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 she has adopted or established, as her own, said rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Rhea M. McLeod, an individual, authorizing her to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof.

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 Decision No. 6954, dated December 17, 1919, in Application No. 5018, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

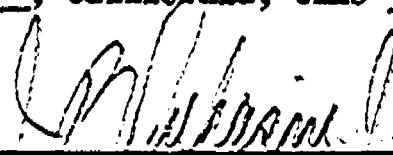
7. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate herein granted. Purchaser is placed on notice that, if she accepts the certificate of public convenience and necessity herein granted, she will be required, among other 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-F.

8. Applicant shall maintain her 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 her operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

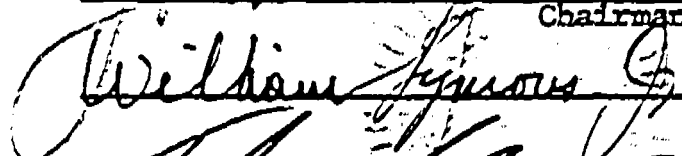
9. Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, she shall make the appropriate tariff filings as required by the General Order.

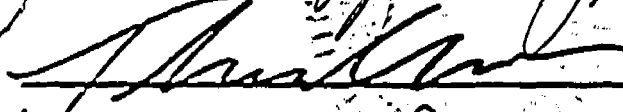
The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21st
day of DECEMBER, 1971.



Chairman









Commissioners

Appendix A

Rhea M. McLeod, an individual, Original Page 1
doing business as
BUDWAY EXPRESS

Rhea M. McLeod, an individual, doing business as BUDWAY EXPRESS, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of automobile parts, accessories and supplies between Los Angeles, Wilmington and San Pedro.

(END OF APPENDIX A)

Issued by Public Utilities Commission.

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