

Decision No. 80467

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of FRANK L. MOORE and JERRE R.)
 MOORE, a co-partnership, doing)
 business as MOORE TRUCK LINES,)
 to transfer, and TRUCK)
 INVESTMENT COMPANY, a limited)
 partnership, and BEST WAY)
 INVESTMENTS, a limited)
 partnership, doing business as)
 MOORE TRUCK LINES, to acquire)
 the operative rights and)
 equipment of transferors.)

Application No. 53462
 (Filed July 18, 1972)

O P I N I O N

Frank L. Moore and Jerre R. Moore, doing business as Moore Truck Lines, seek authority to transfer their highway common carrier certificate of public convenience and necessity and related assets to Frank L. Moore, general partner, and Kathleen L. Moore, Marilyn L. Moore, Jennifer E. Moore, Frank L. Moore, Jr., Thomas E. Moore and James T. Hitchcock, limited partners, doing business as Truck Investment Company, and to Jerre R. Moore, general partner, and Michael J. Moore, Timothy L. Moore, Terrence D. Moore and Dee Ann M. Moore, limited partners, doing business as Best Way Investments. The transferees propose to continue to do business as Moore Truck Lines.

Frank L. Moore and Jerre R. Moore operate as a highway common carrier of general commodities in portions of California pursuant to the certificate of public convenience and necessity granted by Decision No. 79157, dated September 21, 1971, in Application No. 51182.

The reported assets at December 31, 1971 amounted to \$240,835, offset by current liabilities and capital of \$45,564 and \$195,271, respectively. For the year 1971 the partners report total operating revenues and net income amounting to \$1,600,156 and \$220,249, respectively. No additional indebtedness will result from the proposed transfer.

After consideration the Commission finds that the proposed transactions would not be adverse to the public interest and concludes that they should be authorized. 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.

The transferees 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, these 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 December 31, 1972, Frank L. Moore and Jerre R. Moore may sell and transfer, and Frank L. Moore, general partner, and Kathleen L. Moore, Marilyn L. Moore,

Jennifer E. Moore, Frank L. Moore, Jr., Thomas E. Moore and James T. Hitchcock, limited partners, doing business as Truck Investment Company, and Jerre R. Moore, general partner, and Michael J. Moore, Timothy L. Moore, Terrence D. Moore and Dee Ann M. Moore, limited partners, doing business as Best Way Investments, may purchase and acquire, the highway common carrier certificate of public convenience and necessity and related assets, subject to liabilities, referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, the transferees 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. The transferees shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the highway 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 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-Series. Failure to comply with and observe the provisions of General Order No. 80-Series may result in a cancellation of the operating authority acquired pursuant to this decision.

4. Within thirty days after the transfer herein authorized is consummated, the transferees shall file a written acceptance of the certificate. The transferees 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-Series.

5. The transferees 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 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.

6. The transferees shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If the transferees elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

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

Dated at San Francisco, California, this 31st
day of AUGUST, 1972.

Vernon L. Sturgeon
President
William J. Spence
[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.