

Decision No. 80691

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CLYDE STURGES, d.b.a. Huntington)
 Stage Lines, a sole proprietorship,)
 to sell to FRESNO BASS LAKE FREIGHT)
 LINES, INC., a California corpora-)
 tion, certain operating authorities)
 evidenced by a certificate of pub-)
 lic convenience and necessity.)

Application No. 53476
 (Filed July 24, 1972)

O P I N I O N

Clyde Sturges, doing business as Huntington Stage Lines, hereinafter called Huntington, requests authority to sell and transfer, and Fresno Bass Lake Freight Lines, Inc., hereinafter referred to as Fresno Bass Lake, requests authority to purchase and acquire, seller's certificate of public convenience and necessity, issued by this Commission, authorizing operations as a highway common carrier, and certain motor vehicles.

Huntington also proposes to sell to Fresno Bass Lake its certificate of registration issued by the Interstate Commerce Commission authorizing operations as a for-hire motor carrier in interstate and foreign commerce.

There were no protests to the application.

On or about June 20, 1972, Huntington and Fresno Bass Lake entered into a written agreement embodying the terms and conditions of the proposed sale.

The total purchase price is \$5,000.

A balance sheet of Huntington as of December 31, 1971 shows assets of \$45,236.06 and an income statement for the calendar year 1971 net taxable income of \$5,837.97. For Fresno Bass Lake a balance sheet as of December 31, 1971 shows assets of \$23,816, and a comparative statement of income and expenses for the year ending December 31, 1971 shows net income of \$5,854.

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. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificates presently held by applicants and the restatement of the operating authority of Fresno Bass Lake Freight Lines, Inc., in appendix form to reflect the transfer herein authorized.

Purchaser 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. 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, 1972, Clyde Sturges may sell and transfer, and Fresno Bass Lake Freight Lines, Inc., may purchase and acquire, the operative rights and properties 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 it has adopted or established, as its

own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Fresno Bass Lake Freight Lines, Inc., authorizing it to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted in paragraph 4 of this order shall supersede the certificate of public convenience and necessity granted by Decisions Nos. 40885, 49880, 51944, and 79670, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

6. 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 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 insurance requirements of the Commission's General Order No. 100-Series.

7. Purchaser 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. 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, it shall make the appropriate tariff filings as required by the General Order.

The effective date of this order is the date hereof.
San Francisco

Dated at _____, California, this 31st
day of OCTOBER, 1972.

Leon L. Shuman
President
William Lyons
William Lyons
William Lyons
William Lyons
Commissioners

Appendix A FRESNO BASS LAKE FREIGHT LINES, INC. Original Page 2
(a corporation)

11. All intermediate and off-route points of Castle Peak and Lake Redinger. (Subject to Note 1)
12. Traversing all unnumbered county roads between the above-named points. (Subject to Note 1)
13. Between Fresno and the area of General Grant Grove Section, prior to its annexation to Kings Canyon National Park in 1940, serving, as intermediate points, Centerville, Minkler, Sears Corner, Squaw Valley, Dunlap, Miramonte, Pinehurst and Sequoia Lake over and along the following routes (Subject to Note 2):

Fresno (via Ventura Avenue) over State Highway 130 to Centerville; east on State Highway 130 to Minkler; east on State Highway 130 (formerly Squaw Valley Road) to Sears Corner; east on State Highway 130 to Squaw Valley; Squaw Valley to Dunlap over Dunlap Highway; Dunlap to Miramonte over Dunlap Highway and Sand Creek Road; Miramonte to Pinehurst over Sand Creek Road; Pinehurst to the area of General Grant Grove Section, prior to its annexation to Kings Canyon National Park in 1940, via Sequoia Lake and return over Sand Creek Road.

14. Wilsonia and Hume Lake and intermediate points on a tri-weekly basis.
15. Hume Lake and Cedar Grove and intermediate points. (Subject to Notes 1 and 3)
- B.1. Between Fresno and Florence Lake, via Ventura Avenue, Clovis Avenue, Clovis, Prather, Auberry, Pine Ridge, Shaver Lake, Big Creek and all intermediate points.

By diversion between Auberry and the San Joaquin River via New Auberry; Camp 80.
(Subject to Note 1)

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Decision No. 80691, Application No. 53476.

Appendix A FRESNO BASS LAKE FREIGHT LINES, INC. Original Page 3
(a corporation)

2. Between Clovis and Pine Ridge via State Highway 163, serving all intermediate points.
3. Between Fresno and Dinkey Meadow via Centerville, Piedra and Trimmer; and via Minkler, Piedra and Trimmer; serving all intermediate points.
4. Between Trimmer and Dinkey Meadow, beginning at Trimmer, thence along unnamed roads via Kirch Flat, Balch Camp, Saw Mill Flat and Buck Meadow to Dinkey Meadow, and serving also the off-route points of Kings River Hatchery, Power House, Black Rock Dam, Coolidge Meadow and intermediate points.
5. The main roads connecting the aforementioned routes and points located thereon.

Except that pursuant to the authority in part B, carrier shall not transport any shipments of trailer coaches and campers, including integral parts and contents when the contents are within the coach or camper.

NOTE 1. Transportation shall be on an on-call basis.

NOTE 2. Daily except Sunday.

NOTE 3. Service between Hume Lake and Cedar Grove and Cedar Grove and intermediate points will be subject to minimum shipments of 8,000 pounds as to shipments originating or destined to points east of Barton.

(END OF APPENDIX A)

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