

**ORIGINAL**

Decision No. 84002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Dixie L. Buchanan, Heir of the  
Estate of Olvin J. Buchanan to  
Transfer a Petroleum Irregular Route  
certificate to Dixie L. Buchanan.

Application No. 55239  
(Filed October 10, 1974)

O P I N I O N

This is an application by Dixie L. Buchanan, the widow and sole heir of Olvin J. Buchanan, deceased, to obtain the petroleum irregular route certificate held in the name of the deceased, doing business as Buchanan Trucking Company (Buchanan).

This certificate was granted the deceased by Decision No. 76588 dated November 10, 1969 in Application No. 51474.

The applicant represents: that she has the financial ability, experience, and equipment to properly serve Buchanan's customers; that she was the administratrix of deceased's estate and the sole heir of the deceased; that she is presently the owner of Buchanan pursuant to the order of the Superior Court of California, County of Los Angeles, attached to the application as Exhibit A, that she desires to actively operate Buchanan; that she had assisted her husband in the business for approximately four years prior to his death; that Buchanan was a party to Western Motor Tariff Bureau Tariff No. 16, which applicant desires to adopt; and that the deceased had executed a promissory note to Edith L. Buchanan (deceased's mother) as administratrix of the Estate of Andrew M. Buchanan, deceased, on October 6, 1969 in the principal sum of \$16,754.66, a copy of which note is attached to the application as Exhibit B. The note bears interest at the rate of six percent per annum on the unpaid balance, and is payable at the rate of \$175 per month (principal and interest) until fully paid. At the time of

the deceased's death, the balance due on the note was \$15,206.18. Applicant further represents that as sole heir of the deceased's estate, and pursuant to agreement with the holder of the note, she has assumed, and will continue to be responsible for, the balance due on the note. She indicates her net worth as of August 31, 1974 to be \$31,750 excluding the liability on the above note.

Since Section 1063 of the Public Utilities Act provides, in part, that any right, privilege, franchise, or permit held or owned by a petroleum irregular route carrier may be inherited as other property only upon the Commission's authorization, we are treating this application as a request for such authority.

Findings

1. The transfer of the certificate is not adverse to the public interest.
2. Applicant has the financial resources, experience, and capability to properly continue the authorized operations.
3. Applicant is the sole heir of the deceased certificate holder, and acquired the property, including the deceased's certificate rights, subject to Commission authorization, by inheritance under appropriate court order.
4. Applicant has been a resident of the State of California for not less than 90 days next prior to the filing of the application.

Conclusions

1. The application should be granted in accordance with the findings, as set out in the order.
2. A public hearing is unnecessary.
3. The authorization granted hereunder shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

4. The order which follows will provide for the revocation of the certificate in the name of Olvin J. Buchanan, deceased, and the issuance of a certificate in appendix form to Dixie L. Buchanan.

Dixie L. Buchanan is 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. Dixie L. Buchanan is hereby authorized to and does hereby acquire, by reason of inheritance, the operative rights referred to in the application.
2. Within thirty days after the effective date of this order, applicant shall file with the Commission written acceptance of the certificate.
3. Applicant shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the authority granted by this decision to show that she has adopted or established, as her own, the 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 transfer. The tariff filings shall comply with the Commission's General Order No. 80-Series. Failure to comply with the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

4. Effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Dixie L. Buchanan, an individual, doing business as Buchanan Truck Lines, authorizing her to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision No. 76588 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Applicant is placed on notice that if she accepts the certificates she will be required, among other things, to comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

7. 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.

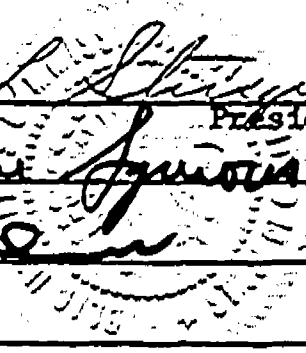
8. Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport

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collect on delivery shipments, she shall make the appropriate tariff filings as required by the General Order.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 21st  
day of JANUARY, 1975.

  
William L. Stinson  
President  
William J. Quinn  
[Signature]  
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Commissioners

DIXIE L. BUCHANAN  
(an individual)  
doing business as  
Buchanan Trucking Company

Dixie L. Buchanan, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California.

Restriction:

Transportation of waste materials under this certificate is subject to obtaining and maintaining a valid registration certificate as a hauler of liquid waste from the State Water Resources Control Board.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 84002, Application No. 55239.