

ORIGINAL

Decision No. 85240

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica-)
tion of:)GILBOY INC., a California)
corporation for Authority to)
purchase Certificate of Highway)
Common Carrier Operating Rights)
for the Transportation of)
Motion Picture Film and)
Accessories of ALBERT L. WEBB)
dba WEBBS THEATER SERVICE.)Application No. 55950
(Filed September 22, 1975)INTERIM OPINION

Albert L. Webb, an individual, doing business as Webbs Theater Service, (seller) requests authority to sell and transfer and Gilboy, Inc., a California corporation, (purchaser) requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The certificate was granted by Decision No. 61515, dated February 14, 1961, in Application No. 42745 and authorizes the transportation of motion picture films, motor picture theatre accessories and supplies between various points in Los Angeles County.

Applicant purchaser presently holds certificates of public convenience and necessity issued by the following decisions authorizing operations as a highway common carrier for transportation of commodities, generally similar to those covered by the authority requested to be transferred, within Los Angeles County and points contiguous thereto. These authorities or portions thereof were transferred to purchaser and amended by subsequent Commission decisions.

1. Decision No. 26553, dated November 25, 1933, in Application No. 19071.
2. Decision No. 27254, dated August 6, 1934, in Application No. 19534.
3. Decision No. 38307, dated April 2, 1946, in Application No. 27903.
4. Decision No. 38309, dated April 2, 1946, in Application No. 27089.
5. Decision No. 39006, dated May 21, 1946, in Application No. 27258.

Consideration for the sale of the operating authority is \$10,500.00 payable in cash, contingent upon the Commission's approval of the sale and transfer.

Purchaser proposes to adopt seller's tariff which sets forth rates and rules governing operations under the certificate to be transferred. Purchaser's balance sheet of June 30, 1975 shows total assets of \$210,374 and total liabilities of \$9,454 for a net worth in excess of \$200,000.

The applicants request relief from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure which requires wide dissemination of the application. The relief is requested in order to secure just, speedy and inexpensive determination of the issues presented. It is alleged that a copy of the application was forwarded to the California Trucking Association and notice of the filing of the application was made in the Commission's Calendar of September 24, 1975.

After consideration, the Commission finds that the requested deviation from Rule 37 should be authorized; that the proposed transfers would not be adverse to the public interest provided that such authority as presently held by the purchaser is restated. A public hearing is not necessary. The order which follows will require purchaser to submit a proposed in-lieu certif-

icate which will include the certificate presently held by the seller. After review and approval, a final order will be issued revoking the authority presently held by purchaser and the authority acquired from the seller, and establishing an in-lieu certificate encompassing both sets of operating authorities.

Applicant purchaser 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 cancelled 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 granted shall not be construed as a finding of the value of the rights authorized to be transferred.

INTERIM ORDER

IT IS ORDERED that:

1. On or before May 1, 1976, Albert L. Webb may sell and transfer the operative rights referred to in the application to Gilboy, Inc., a California corporation.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and true copies of the bills of sale or other instruments of transfer.
3. Purchaser shall amend or reissue the tariff on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filing 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 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 the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Gilboy, 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 set forth in Appendix A, attached hereto and made a part hereof.

5. Within ninety days after the date of this order purchaser shall submit to this Commission a proposed in-lieu certificate of public convenience and necessity which shall consist of a restatement of the highway common carrier authority presently held by purchaser and the certificate herein transferred to purchaser.

6. Purchaser shall 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. 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

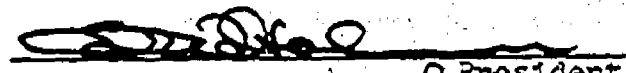
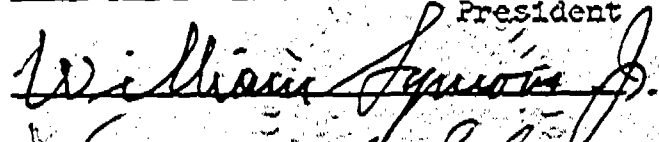
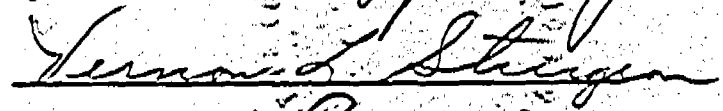

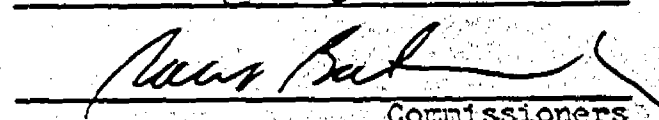
March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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.

9. The applicants are granted a deviation from Rule 37 of the Commission's Rules of Practice and Procedure to the extent requested in the application.

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

Dated at San Francisco, California, this 16th day of December, 1975.


President




Commissioners

Gilboy, Inc., a California corporation, 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 motion picture films, motion picture theater accessories and supplies viz: advertising matter, electric lighting effects (including carbons, bulbs and globes), motion picture projection machinery and parts, and tickets, to, from, and between the following cities, towns and places: Los Angeles, Glendale, La Canada, Montrose, Tujunga, Altadena, Pasadena, South Pasadena, Alhambra, Monterey Park, San Gabriel, Temple City, Azusa, El Monte, Baldwin Park, Arcadia, and Monrovia, and intermediate points, via the following routes:

Route 1. Beginning at the intersection of Washington Boulevard and Vermont Avenue (Los Angeles), thence along Vermont Avenue, Santa Monica Boulevard, Sunset Boulevard, Hyperion Avenue, San Fernando Road, Central Avenue (Glendale), to Glendale; thence continuing along Colorado Boulevard, Verdugo Road, La Canada Boulevard, Verdugo Boulevard to La Canada; also, beginning at the juncture of Verdugo Road and Verdugo Boulevard in Montrose, thence along Honolulu Avenue and Tujunga Canyon Boulevard to Tujunga; thence along Foothill Boulevard, La Canada-Verdugo Road, Figueroa Drive, Lincoln Avenue, Foothill Boulevard to Altadena; thence along Lake Avenue to Pasadena; thence along Broadway Avenue, (Arroyo Parkway) to South Pasadena.

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Deviation to Route 1. Along Colorado Boulevard between the cities of Glendale and Pasadena when it is not necessary to make return calls to La Canada, Montrose or Tujunga.

Route 2. Beginning at the intersection of Washington Boulevard and Vermont Avenue (Los Angeles), thence along Washington Boulevard, San Pedro Street, Aliso Street, Alameda Street, Macy Street, Mission Road, Huntington Drive to Alhambra; thence along Atlantic Boulevard, Huntington Drive, Sierra Madre Boulevard to Pasadena.

Route 3. Beginning at the southern boundary of the city of Alhambra and Garfield Avenue (Hellman and Garfield Avenues) via Garfield Avenue to Monterey Park.

Route 4. Beginning at the eastern boundary of the city limits of Alhambra at Main Street via Las Tunas Drive, Live Oak Avenue, Arrow Highway and Azusa Avenue to Azusa.

Route 5. Beginning at the intersection of Las Tunas Drive and Rosemead Boulevard in Temple City via Rosemead Boulevard, Garvey Avenue, Valley Boulevard, Peck Road, San Bernardino Road, Ramona Boulevard, San Bernardino Road and Azusa Avenue to Azusa.

Route 6. Beginning at the eastern boundary of the city of Pasadena at Colorado Street via Colorado Street, Colorado Place, Huntington Drive, Foothill Boulevard and Azusa Avenue to Azusa.

(END OF APPENDIX A)

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