

Decision No. 19492

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SAN ANTONIO TRANSFER COMPANY, a common)
 law trust, ADDA E. MC CULLOCH and)
 HERBERT C. MC CULLOCH, Trustees and)
 Beneficiaries thereof, to sell, and)
 ROY WOOLSEY, MAMIE WOOLSEY and)
 MINNIE F. MILLS to purchase an automobile)
 passenger line operated between Upland)
 and Camp Baldy, and Upper San Antonio)
 Canyon and Ice House Canyon, all in)
 California.)

Application
 No.14441

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

San Antonio Transfer Company, a common law trust, has applied to the Railroad Commission for an order approving the sale and transfer by it to Roy Woolsey, Mamie Woolsey and Minnie F. Mills of operating rights for an automotive service for the transportation of person and property between Upland and Ice House Canyon and Manker Flats, and Roy Woolsey, Mamie Woolsey and Minnie F. Mills have applied for authority to purchase and acquire said operating rights and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement, a copy of which is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$5000 of which amount \$4500 is said to represent the value of certain personal property. The balance, \$500, is declared by applicants to be the value of intangibles.

The operating rights herein proposed to be transferred were acquired by San Antonio Transfer Company under authority of Decision No.16640, dated May 4, 1926, and issued on Application No.12726. Previously, the records of the Commission show C. T. Mc Culloch, owner of an interest in the San Antonio Transfer

Company, a common law trust, applied, as an individual, for authority to operate an automobile service for the transportation of passengers and freight between Upland and Camp Baldy and intermediate points, via San Antonio Heights. In Decision No.7558, dated May 10, 1920, and issued on Application No.5574, the Railroad Commission granted the certificate applied for, the Commission's order providing that no service be given between Upland and San Antonio Heights. Passenger service was established in accordance with the provisions of the certificate but the freight service was not perfected by the filing of tariffs as required. The passenger tariffs and time schedules, were filed under the name of San Antonio Transfer Company, C. T. McCulloch, Manager.

In March, 1922, McCulloch, using the name San Antonio Transfer Company, applied to the Commission for authority to extend his operations and in Decision No.10260, dated March 29, 1922, and issued on Application No.7661, the Commission authorized San Antonio Transfer Company to operate between Camp Baldy and the end of Ice House Canyon road, in effect authorizing the company, a trust, to extend the service conducted by McCulloch, an individual. This situation came to the attention of the Commission with the advice from H. C. McCulloch of the decease of C.T. McCulloch. Thereupon the Commission, on Application No.12726, issued its order approving the inheritance by Mrs. Adda B. McCulloch of the operating right granted to C.E. McCulloch, and also approved the transfer of the right involved to the company. By the same decision the Commission authorized the company to extend its passenger service to Manker Flats and intermediate points and granted to the company authority to operate an auto trucking service for the transportation of freight and express between Upland and Manker Flats and intermediate points, providing also that no service be given between Uplands and San Antonio. Both operations are seasonal in nature over part of the territory

served as indicated by the tariffs and time schedules on file with the Commission.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

The purchasers are hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining ^{reasonable} rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

IT IS HEREBY ORDERED that the above entitled application be, and the same is hereby granted, subject to the following conditions:

1- The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.

2- Applicant San Antonio Transfer Company shall immediately unite with applicants Roy Woolsey, Mamie Woolsey and Minnie F. Mills in common supplement to the tariffs on file with the Commission, applicant San Antonio Transfer Company on the one hand withdrawing, and applicants Roy Woolsey, Mamie Woolsey and Minnie F. Mills on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant San Antonio Transfer Company shall immediately withdraw time schedules filed in its name with the Railroad Commission and applicants Roy Woolsey, Mamie Woolsey and Minnie F. Mills shall immediately file, in duplicate, in their own names time schedules covering service heretofore given by applicant San Antonio Transfer Company, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of San Antonio Transfer Company, or time schedules satisfactory to the Railroad Commission.

4- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

5- No vehicle may be operated by applicants Roy Woolsey, Mamie Woolsey and Minnie F. Mills unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

This order shall not become effective until there has been paid to the Railroad Commission the fee required by the Public Utilities Act and the Auto Stage & Truck Transportation Act on all evidences of indebtedness extending over a period of one year, in this instance the minimum fee of \$25.00.

Dated at San Francisco, California, this 3rd day of March, 1928.

Leon Whitall

A. Seavey

David L. Lunt

W. J. Linn
COMMISSIONERS.

