Decision No. 91381.

REFORE THE RAILROAD COMMISSION OF THE STATE OF CALLFORNIA

In the matter or the application of Sam M. Lloyd to sell, and Benjamin S. Goldberg and A.G. Spann, copartners, doing business under the firm name and style of Goldberg & Spann, to purchase an automobile freight line operating between Los Angeles, Montrose, Tujunga, Pasadena, South Pasadena and Alhambra, California.

Application No. 15800.

BY THE COMMISSION:-

herein and made a part thereof.

OPINION and OFFER

Sam M. Illoyd has petitioned the Railroad Commission for an order approving the sale and transfer by him to Benjamin S. Goldberg and A.G. Spann, co-partners, of an operating right for an automotive service for the transportation of property between Los Angeles and Pasadena and certain other points and Bonjamin S. Goldberg and A.G. Spann have petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement, a copy of which, marked Exhibit "A", is attached to the application

The consideration to be paid for the property herein proposed to be transferred is given as the nominal sum of \$1.

The operating right herein proposed to be transferred was originally granted to Peter Williamson by Railroad Commission Decision No. 12509, dated April 9, 1926 and issued on Application No. 12509. By said decision Williamson was authorized to operate a motor service for the transportation of "moving picture films, advertising matter in connection with such films and carbon for projection machines" between Los Angeles, Pasadena, South Pasadena, Alhambra, Montrose and Tujunga. By Decision No. 19773, dated May 17, 1928 and issued on Application No. 14601 the Railroad Commission authorized Williamson to transfer said right to

Sam M. Lloyd. 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. Coldberg and Spann 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 rollowing 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 ther than the transfer herein authorized. 2- Applicant Lloyd shall immediately unite with applicants Coldberg & Spann in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Lloyd on the one hand withdrawing, and applicants Goldberg & Spann on the other hand accepting and establishing such tariffs and all effective supplements thereto. 3- Applicant Lloyd shall immediately withdraw time schedules filed in his name with the Railroad Commission and applicants Goldberg & Spann shall immediately file, in duplicate, in their own names time schedules covering service heretofore given by applicant Lloyd which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Lloyd or time schedules satisfactory to the Railroad Commission. -24- The rights and privileges herein authorized may not be sold, lessed, 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.

& Spann 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.

Dated at San Francisco, California, this 19 h day