

Decision No. 23294

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ADAM A. MOORE to sell and)
 GUIDO de GHETALDI to purchase an) Application
 automobile freight line operated) No. 17131
 between Upper Lake and Ukiah.)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Adam A. Moore has petitioned the Railroad Commission for an order approving the sale and transfer by him to Guido de Ghetaldi of an operating right for an automotive service for the transportation of property between Ukiah and Lucerne and intermediate points, and Guido de Ghetaldi has 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 herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$50.00, which sum is declared to be the value of intangibles, no equipment being involved.

The operating right herein proposed to be transferred, which was granted to applicant Moore by Decision No. 18276, dated April 26, 1927, and issued on Application No. 12925, reads as follows:

"THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Adam A. Moore of an automobile truck line as a common carrier of freight of all kinds excepting cream between Ukiah and Lucerne, serving Le Trianon, Blue Lakes, Camp Innis, Laurel Dell, Saratoga Springs, Bachelor Valley, Upper Lake, Middle Creek Valley, Clover Valley, Laurel Beach, Clear Lake Gardens, Clear Lake Lodge and intermediate points and for a distance of one mile on each side of the State Highway or County roads traversed running to, by or

through all of the above named places."

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.

Guido de Ghetaldi is 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 Moore shall immediately unite with applicant de Ghetaldi in common supplement to the tariffs on file with the Railroad Commission covering service given under certificate herein authorized to be transferred, applicant Moore on the one hand withdrawing, and applicant de Ghetaldi on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Moore shall immediately withdraw time schedules filed in his name with the Railroad Commission, and applicant de Ghetaldi shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicant Moore, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Moore, 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 applicant de Ghetaldi unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

6- The order herein shall not be construed as authority to merge, link up or join the operating right herein authorized to be transferred with the present rights of de Ghetaldi, nor shall it be construed as authority to make any change in the rates now being charged by him, or by Moore.

Dated at San Francisco, California, this 19th day of

January, 1931.

C. C. [unclear]
Leon [unclear]
[unclear]
W. B. [unclear]
Fred G. [unclear]
COMMISSIONERS.