

Decision No. 23550.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of CONSOLIDATED FURNITURE MOVING)	
CORPORATION, a corporation, to)	Application
sell and transfer certificates of)	No. 17259.
public convenience and necessity)	
to LYON VAN LINES, INC., a)	
corporation.)	

BY THE COMMISSION:

ORIGINALOPINION and ORDER

Consolidated Furniture Moving Corporation, a corporation, has petitioned the Railroad Commission for an order approving the sale and transfer by it to Lyon Van Lines, Inc., a corporation, of an operating right for an automotive service for the transportation of property between San Francisco, San Jose, Sacramento and Santa Rosa, as more clearly hereinafter described; and Lyon Van Lines, Inc., a corporation, has petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder.

The consideration to be paid in cash for the property herein proposed to be transferred is given as \$2350.00, all of which is declared to be the value of intangibles.

The operating right herein proposed to be transferred is a consolidated and unified operating right established and consolidated in the following manner:

Decision No. 13775 dated July 3, 1924 in Applications Nos. 9673, 9674, 9675 and 9676 granted four (4) separate certificates in accordance with the following declarations:

"..... that public convenience and necessity require the operation by Consolidated Furniture Moving Corporation, a corporation;..... of automotive truck lines for the common carriage of household goods, furniture, pianos and other personal effects, including trunks and baggage, between San Francisco, Oakland, and Sacramento and intermediate points via Vallejo."

".....that public convenience and necessity require the operation by Consolidated Furniture Moving Corporation, a corporation, of an automotive truck line for the common carriage of commodities as set forth in the above declaration between San Francisco, Oakland and Sacramento and intermediate points via Tracy, Stockton and Lodi."

".....that public convenience and necessity require the operation by Consolidated Furniture Moving Corporation, a corporation, of automotive truck lines for the common carriage of commodities as set forth in the first declaration herein between San Francisco, Santa Rosa and intermediate points, via Sausalito, San Rafael and Petaluma."

".....that public convenience and necessity require the operation by Consolidated Furniture Moving Corporation, a corporation, of an automotive truck line for the transportation of commodities as set forth in the first declaration herein between San Francisco, San Jose and intermediate points via San Mateo and Palo Alto."

Subject to the condition among others:

"1. Said certificates granted to the Consolidated Furniture Moving Corporation, a corporation, shall include the right to transport commodities herein authorized to be carried for compensation to points laterally over each and all of the routes herein-
above mentioned for a distance not to exceed 25 miles on either side of the main highway traversed."

Decision No. 14853 of April 29, 1925 in Application No. 10548 granted a certificate which was consolidated with the above described certificates which were in turn consolidated in accordance with the following declarations:

".....that public convenience and necessity require the operation by the Consolidated Furniture Moving Corporation, a corporation, of an automobile truck service as a common carrier for the transportation of household goods, furniture, pianos, and other personal effects, including trunks and baggage, between Vallejo and Santa Rosa, via Napa, Sonoma, El Verano, Boyes, Fetters, Glen Ellen and Kenwood, excluding local service between intermediate points, and between Vallejo and Santa Rosa and intermediate points, and including territory extending laterally for a distance of twenty-five miles on either side of the highways traversed; and

".....that public convenience and necessity require the establishment of rates for and the operation by the Consolidated Furniture Moving Corporation, a corporation, of automobile trucks or vans for the common carriage of commodities as set forth in the first declaration herein through and between points on one operative right on the one hand and points on all other operative rights on the other hand described as follows: (1) between San Francisco, Oakland and Sacramento, and intermediate points via Vallejo; (2) between San Francisco, Oakland, Sacramento and intermediate points via Tracy, Stockton and Lodi; (3) between San Francisco and Santa Rosa and intermediate points via San Rafael and Petaluma; (4) between San Francisco and San Jose and intermediate points via San Mateo and Palo Alto; and (5) between Vallejo and Santa Rosa and intermediate points via Sonoma, including territory extending laterally for a distance of twenty-five miles on either side of the highways traversed."

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.

Lyon Van Lines, Inc. 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 Consolidated Furniture Moving Corporation shall immediately unite with applicant Lyon Van Lines, Inc. in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Consolidated Furniture Moving Corporation on the one hand withdrawing,

and applicant Lyon Van Lines, Inc. on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Consolidated Furniture Moving Corporation shall immediately withdraw time schedules filed in its name with the Railroad Commission and applicant Lyon Van Lines, Inc. shall immediately file, in duplicate, in its own name time schedules covering service heretofore given by applicant Consolidated Furniture Moving Corporation which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Consolidated Furniture Moving Corporation 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 Lyon Van Lines, Inc. unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 31st day of

March 1931.

C. C. Sawyer

Leon O. White

W. A. Lee

W. B. Harris

Fred G. Stewart

COMMISSIONERS.