

Decision No. 23602.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Martin Kleinfeld to sell and )  
Foss Field to purchase an )  
automobile stage line operated )  
between Hanford and Keck Corners, )  
California. )

Application  
No. 17295.

ORIGINAL

BY THE COMMISSION:

OPINION and ORDER

Martin Kleinfeld and Foss Field, copartners, have petitioned the Railroad Commission for an order approving the sale and transfer by Kleinfeld to Field of the copartnership interest of Kleinfeld in an operating right for the automotive transportation of passengers and property between Hanford and Keck's Corners and Foss Field 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 \$10.00 all of which sum is declared to be the value of intangibles.

The operating right herein proposed to be transferred was established by Decision No. 21641 of October 3, 1929 in Application No. 15544 which granted a certificate to Kleinfeld and Field, copartners, for the operation

"....of an automobile stage line as a common carrier of passengers, baggage and express matter between Keck's Corners, Kern County, and Hanford, King's County, serving Kettleman City, Standard Oil Camps No. 1 and No. 2, and a point named Avanal on Avanal Road, Devil's Den and intermediate points, provided however that no express matter shall be carried locally between Hanford and Stratford and points between Hanford and Stratford and provided that no passengers shall be carried locally between Hanford and Lemoore and points between Hanford and Lemoore, save and except that southbound passengers may be picked up for points south of Lemoore, but northbound

"passengers originating south of Lemoore destined to points north of Hanford shall not be carried to Armona or Hanford or points intermediate between Armona and Hanford."

Decision No. 23394 of February 9, 1931, the first supplemental order in this application, authorized the temporary suspension of service until July 31, 1931 between Avenal and Keck's Corners.

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.

Foss Field 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- Applicants Kleinfeld and Field shall immediately unite with applicant Field in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicants Kleinfeld and Field on the one hand withdrawing, and applicant Field on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicants Kleinfeld and Field shall immediately withdraw time schedules filed in their name with the Railroad Commission and applicant Field shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicants Kleinfeld and Field which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicants Kleinfeld and Field 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 Field 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.

Dated at San Francisco, California, this 13<sup>th</sup> day of

April 1931.

C. A. ...  
Leon ...  
M. A. ...  
M. B. ...  
Fred A. ...  
COMMISSIONERS.