

Decision No. 23868

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 SEQUOIA NATIONAL PARK STAGE COMPANY,  
 a corporation, to sell, and  
 GEORGE L. MAUGER to purchase an auto-  
 mobile passenger line operated between  
 Visalia and the boundary line of  
 Sequoia National Park, via Exeter,  
 California.

ORIGINAL

) Application  
 ) No.17445  
 )  
 )

BY THE COMMISSION -

OPINION and ORDER

Sequoia National Park Stage Company, a corporation,  
 has petitioned the Railroad Commission for an order approving  
 the sale and transfer by it to George L. Manger of an operating  
 right for an automotive service for the transportation of  
 passengers and property between Visalia and the boundary line  
 of Sequoia National Park, and George L. Manger 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 \$3500.00. Of this sum  
 \$500.00 is declared to be the value of equipment and \$3000.00  
 is declared to be the value of intangibles.

The operating right herein proposed to be transferred  
 originated in a certificate granted by Decision No.6395, dated  
 June 10, 1919, and issued on Application No.4561, to Orval  
 Overall and E. L. Askin, co-partners, operating under the  
 fictitious name of Sequoia National Park Stage Company. Said  
 decision authorized the operation "of an automobile line as a  
 common carrier of passengers and express between Lemon Cove  
 and the Sequoia National Park line, serving as intermediate

stations the communities of Three Rivers and Kaweah," the service between Lemon Cove and the Park line to be operated during such periods of each year as the Sequoia National Park may be open to visitors and automobile traffic; during the remaining portion of the year between Lemon Cove and Kaweah."

By Decision No.12390, dated July 24, 1923, and issued on Application No.8962, Overall and Askin were authorized to operate a passenger and express service "between Three Rivers and Mineral King and intermediate points," authority also being granted to "link up and combine said proposed service with the stage service of said applicants now operated between Lemon Cove and Sequoia National Park." By Supplemental Order (Decision No.12480), the certificate granted by Decision No.12390 was amended to provide that the service "shall be three round trips per week and during the period July 1st to September 10th of each year."

By Decision No.14164, dated October 10, 1924, and issued on Application No.10473, Overall and Askin were authorized to operate an automobile stage line "as a common carrier of passengers, baggage and express between Visalia and Lemon Cove via Farmersville and Exeter, not as a new and independent operative right but as an extension of the present operative rights between Lemon Cove and Sequoia National Park and to be operated seasonally as a portion of and in conjunction with through stage service from Visalia to the Sequoia National Park, via Exeter, provided, however, that no local passengers, baggage or express shall be handled between Visalia and Exeter and intermediate points.

By Decision No.17810, dated December 28, 1926, and also issued on Application No.10473, Overall and Askin were authorized to "abandon the automobile stage service heretofore conducted \*\*\*\*\* between Kaweah and the former entrance to Sequoia National Park on the westerly boundary thereof and to re-route

said service so as to conduct and operate the same, in connection with their present service from Visalia and Exeter, from a point on their present route between Three Rivers and Kaweah, known as Kaweah Bridge, and thence via Hammond and over and along the Generals' Highway to the present entrance to Sequoia National Park upon the southerly boundary of said Park." (See also preliminary order, Decision No.16758).

By Decision No.20543, dated December 3, 1928, issued on an application supplemental to Application No.10473, Overall and Askin were authorized to discontinue service between Lemon Cove and Kaweah and intermediate points.

By Decision No.13550, dated June 27, 1927, and issued on Application No.13576, Overall and Askin were authorized to transfer their operating rights to Sequoia National Park Stage Company, a corporation.

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, provided that in recording the transaction on his books of account applicant may charge to his fixed capital account not more than \$1000.

George L. Mauger 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 Sequoia National Park Stage Company shall immediately unite with applicant Mauger in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Sequoia National Park Stage Company on the one hand withdrawing, and applicant Mauger on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Sequoia National Park Stage Company shall immediately withdraw time schedules filed in its name with the Railroad Commission, and applicant Mauger shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicant Sequoia National Park Stage Company, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Sequoia National Park Stage 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 applicant Mauger 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.

For all other purposes the effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this 3<sup>rd</sup> day of July, 1931.

C. S. Seaver

W. J. Cline

Fred G. Stewart