

cease doing business entirely so soon as it can divest itself of its certificate to operate the automobile stage line involved in this application. It therefore proposes to transfer such certificate for the nominal sum of \$1.00 to Death Valley Transportation Company, a corporation it has caused to be organized for the purpose of receiving it. The new corporation, it appears, will be controlled by the same interests that now control Death Valley Railroad Company, Ltd., so that there will be no change in the management of the passenger stage line.

It occurs to us that this application should be granted. In doing so, however, we wish to place the purchaser 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.

O R D E R

Application having been made to the Railroad Commission for an order authorizing the transfer of an operative right from Death Valley Railroad Company, Ltd. to Death Valley Transportation Company, and the Railroad Commission being of the opinion that this is not a matter in which a public hearing is necessary, and that the application should be granted as herein provided, therefore,

IT IS HEREBY ORDERED, that Death Valley Railroad Company, Ltd. be, and it hereby is, authorized to transfer to Death Valley Transportation Company for the sum of \$1.00 the operative right heretofore granted to it by Decision No. 23128 dated November 28, 1930, entered in Application No. 17025 permitting the operation of an automobile

service for the transportation of passengers and their baggage between Death Valley Junction and Furnace Creek Inn (via Furnace Creek Wash, via Green Water Canyon, and via Salsberry Pass); Dante's View, Salt Pools, Ubehebe Crater and the California-Nevada State Line on the Daylight Pass Road between Furnace Creek Inn and Beatty, Nevada, and to the California-Nevada State Line on the Grapevine Canyon Road between Ubehebe Crater and Bonnie Clare, Nevada, and all intermediate points.

The authority herein granted is subject to the following conditions:-

1. The operations to be conducted under the operative right herein authorized to be transferred may be seasonal, approximately from November 1st to April 30th and "on call".
2. Death Valley Railroad Company, Ltd. within thirty (30) days from the date of the transfer of the operative right as herein authorized, shall withdraw tariffs and time schedules on file in its name with the Railroad Commission, covering service under the rights herein authorized to be transferred, and said Death Valley Transportation Company, a corporation, shall file in its own name tariffs and time schedules, said time schedules and tariffs to contain the same rates, rules and regulations now maintained by Death Valley Railroad Company, Ltd., or rates and time schedules satisfactory to the Railroad Commission.

3. 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.
4. No vehicle may be operated by applicant Death Valley Transportation Company 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.
5. The authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 2nd day of November, 1931.

Leon Whidley

W. J. Carr

W. B. Lewis

Frederic G. Stewart

Commissioners.