

Sunset Boulevard, Figueroa Street, Slauson Avenue and Los Angeles River and Los Angeles Harbor district, and for building materials and lumber eastward from Los Angeles and Los Angeles harbor district to Banning and Cabazon and points intermediate and one mile from route, but not between Los Angeles and Los Angeles Harbor district locally, via Valley Boulevard to Colton, to San Bernardino, to Banning to Cabazon. By Decision No. 14134 on Application No. 10464, Gehres was authorized to transfer the right to R.E. and H.E. Stacey. Also, by Decision No. 18150 on Application No. 10683 of R.E. and H.E. Stacey dated March 3, 1927, granting certificate in lieu of all former rights and extending service from points already served to Beaumont, Yucaipa, Redlands, Highlands, Crofton, Redlands Junction (Bryn Mawr) and intermediate points, and one mile on either side of highway traversed to Ontario and Pomona, or to Los Angeles Harbor points or Los Angeles City district, named in Decision No. 13639 and return westward movement from Los Angeles Harbor district and Los Angeles City district for lumber, cement, stucco, wallboard, doors, windows and roofing to Beaumont, Banning and Cabazon and intermediate points and one mile on each side of the direct route and fertilizer from Ontario to Cabazon, Banning, Beaumont, Yucaipa, Redlands, Highlands, Crofton, Redlands Junction, and points intermediate and one mile on either side of the direct route, minimum shipment of two tons except to Cabazon and Banning where minimum is five tons; no weight limit for the return of empty containers.

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.

Motor Service Express, a corporation 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 R.E. and H.H. Stacey shall immediately unite with applicant Motor Service Express, a corporation, in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicants R.E. and H.H. Stacey on the one hand withdrawing, and applicant Motor Service Express, a corporation, on the other hand accepting and establishing such tariffs and all effective supplements thereto.
- 3- Applicants R.E. and H.H. Stacey shall immediately withdraw time schedules filed in their name with the Railroad Commission and applicant Motor Service Express, a corporation shall immediately file, in duplicate, in its own name time schedules covering service heretofore given by applicants R.E. and H.H. Stacey which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicants R.E. and H.H. Stacey 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 Motor Service Express, a corporation, 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.

6- The rights herein authorized to be transferred shall not be merged or consolidated with any other rights for the transportation of property now possessed by applicant Motor Service Express, a corporation.

Dated at San Francisco, California, this 28th day
of December, 1931.

O. L. Sawyer
Leon A. ...
W. J. ...
M. B. ...
Fred G. ...
Commissioners.