

Decision No. 24794

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
OLIVE REID, as Administratrix of the)	Application
Estate of Lee Reid, deceased, to sell)	No.18148
and ROY MARK to purchase an automobile)	
freight line operated between Redding,)	
and Pittville, Shasta County, California.)	

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Olive Reid, Administratrix of the Estate of Lee Reid, deceased, has petitioned the Railroad Commission for an order approving the sale and transfer by said Administratrix to Roy Mark of an operating right for an automotive service for the transportation of property between Redding and Pittville, serving as intermediate points Ingot, Round Mountain, Montgomery Creek, Burney, Cassel, Fall River Mills, Glenburn and Mc Arthur, and Roy Mark 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 \$1600.00 cash. Of this sum \$600.00 is declared to be the value of equipment and \$1000.00 is declared to be the value of intangibles.

The operating right herein proposed to be transferred was created by certificate granted to Arthur Garrison by Decision No.13416, dated April 15, 1924, on Application No.9961. This right was transferred to William Frickinger by Decision No.16894, dated June 11, 1926, on Application No.12896, and transferred by Frickinger to Reid by Decision No.20079, dated August 2, 1928, on Application No.14541.

Mark has been a driver for the operation for several years and is fully acquainted with the service. Lee Reid died March 20, 1932, and his widow was duly appointed Administratrix April 8, 1932. The sale is subject to approval, also, by the Superior Court of Shasta County.

Roy Mark 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 Olive Reid, Administratrix of the Estate of Lee Reid, shall immediately unite with applicant Roy Mark in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Olive Reid, Administratrix of the Estate of Lee Reid, on the one hand withdrawing, and applicant Roy Mark on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Olive Reid, Administratrix of the Estate of Lee Reid, shall immediately withdraw time schedules filed in her name with the Railroad Commission and applicant Roy Mark shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicant Olive Reid, Administratrix of the Estate of Lee Reid, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Olive Reid, Administratrix of the Estate of Lee Reid, 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 Roy Mark 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 23rd day of May
1932.

C. J. Jones
Leon Whipple
W. A. ...
M. B. ...
Fred G. Albrecht
COMMISSIONERS.