

Decision No. 25733.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PACIFIC GREYHOUND LINES, INC., a  
corporation, to sell and  
J.C. STORMONT, G.E. GILLEN, AND  
C.C. GILLEN, doing business under  
the name and style of ANCHOR BUS  
& TRUCK CO., to purchase certain  
operative rights for the transporta-  
tion of passengers, baggage and  
express between Selma and Visalia  
via Dinuba.

ORIGINAL

Application  
No. 18768

BY THE COMMISSION:

OPINION and ORDER

Pacific Greyhound Lines, Inc. has petitioned the Railroad Commission for an order approving the sale and transfer by it to J.C. Stormont, G.E. Gillen and C.C. Gillen, operating under the name of Anchor Bus & Truck Co., of an operating right for an automotive service for the transportation of passengers, baggage and express between Selma and Visalia, via Dinuba, and J.C. Stormont, G.E. Gillen and C.C. Gillen, copartners, have 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 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 \$1.00. This sum is declared to be the value of intangibles.

The operating right herein proposed to be transferred was created by Decision No. 23244, dated December 31, 1930, on Application No. 18989.

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.

J.C. Stormont, G.E. Gillen and C.C. Gillen, co-partners operating under the fictitious name and style of Anchor Bus & Truck Co. are 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 Pacific Greyhound Lines, Inc. shall immediately unite with applicants J.C. Stormont, G.E. Gillen and C.C. Gillen, in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Pacific Greyhound Lines, Inc. withdrawing, and applicants J.C. Stormont, G.E. Gillen and C.C. Gillen, copartners, on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Pacific Greyhound Lines, Inc. shall immediately withdraw time schedules filed in its name with the Railroad Commission and applicants J.C. Stormont, G.E. Gillen and C.C. Gillen, copartners, shall immediately file, in duplicate, in their own names time schedules covering service heretofore given by applicant Pacific Greyhound Lines, Inc., which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Pacific Greyhound Lines, Inc. 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 applicants J.C. Stormont, G.E. Gillen and C.C. Gillen, copartners, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 3rd day of

April 1933.

Clarence

Leon Whitely

M. J. Quinn

W. B. Lane

W. H. ...

COMMISSIONERS.