

Decision No. 19740.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
TASSAJARA HOT SPRINGS COMPANY to sell )  
and BRUCE W. ROBB to purchase an )  
automobile (passenger and freight line) )  
operated between Salinas and Tassajara )  
Hot Springs, California. )

Application  
No. 18849.

BY THE COMMISSION:

OPINION and ORDER

ORIGINAL

Tassajara Hot Springs Company, a corporation, has petitioned the Railroad Commission for an order approving the sale and transfer by it to Bruce W. Robb of an operating right for an automotive service for the transportation of passengers and property between Salinas and Tassajara Hot Springs, and the intermediate point of Jamesburg, and Bruce W. Robb 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 \$1.00. No equipment is to be transferred.

The operating right herein proposed to be transferred was created by Decision No. 19740, dated May 9, 1928, on Application No. 14596.

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.

Bruce W. Robb 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 Tassajara Hot Springs Company shall immediately unite with applicant Bruce W. Robb in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Tassajara Hot Springs Company on the one hand withdrawing, and applicant Bruce W. Robb on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Tassajara Hot Springs Company shall immediately withdraw time schedules filed in its name with the Railroad Commission and applicant Bruce W. Robb shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicant Tassajara Hot Springs Company, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Tassajara Hot Springs 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 Bruce W. Robb 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 8<sup>th</sup> day of

May 1933.

C. J. Lamm

Leon A. Lamm

W. H. Lamm

M. B. Lamm

A. J. Lamm  
Commissioners.