

Decision No. 26827

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
TOLSON TRANSPORTATION SYSTEM, INC.
to sell and CARL B. and ESTELLA THUEBLOOD
to purchase automobile freight lines
operated between Los Angeles and Seal Beach,
Huntington Beach and intermediate points;
between Los Angeles and Torrance, Harbor
City and intermediate points; between Los
Angeles and Gardena and intermediate
points; and between Torrance and Los Angeles
Harbor (Steamship Wharves) only.

BY THE COMMISSION -

OPINION and ORDER

Tolson Transportation System, Inc. has petitioned the Railroad Commission for an order approving the sale and transfer by it to Carl B. and Estella Trueblood of operating rights for an automotive service for the transportation of property between Los Angeles, Torrance, Los Angeles Harbor, Huntington Beach and Gardena and certain intermediates, and Carl B. and Estella Trueblood have petitioned for authority to purchase and acquire said operating rights 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 \$400.00, which sum is declared to be the value of operating rights. No equipment is to be transferred.

The operating rights herein proposed to be transferred were created by Decision No.14806, on Application No.10286, and Decision No.16470, on Application No.12684.

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.

Carl B. and Estella Trueblood 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 Tolson Transportation System, Inc. shall immediately unite with applicants Carl B. and Estella Trueblood in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Tolson Transportation System, Inc. on the one hand withdrawing, and applicants Carl B. and Estella Trueblood on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Tolson Transportation System, Inc. shall immediately withdraw time schedules filed in its name with the Railroad Commission and applicants Carl B. and Estella Trueblood shall immediately file, in duplicate, in their own names time schedules covering service heretofore given by applicant Tolson Transportation System, Inc., which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Tolson Transportation System, 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 Carl B. and Estella Trueblood 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 11th day of December, 1933.

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