

Decision No. 26945

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
C. W. GANOW, an individual doing busi-
ness under the firm name and style of
Auburn-Georgetown Stage, for authority
to sell and transfer, and of UNITED
MOTOR TRANSPORT LINES, INC., a corpor-
ation, for authority to purchase and
acquire the right of said C. W. Ganow
to operate an automotive transportation
service for the transportation of pass-
engers and freight between Auburn and
Georgetown, California, and certain
intermediate points.

Application No. 19384.

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

C. W. Ganow has petitioned the Railroad Commission for an order approving the sale and transfer by him to United Motor Transport Lines, Inc. of an operating right for an automotive service for the transportation of passengers and property between Auburn and Georgetown and certain intermediate points and United Motor Transport Lines, Inc. 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", filed subsequent 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 \$10.00 which sum is declared to be the value of the operative right. No equipment is involved.

The operating right herein proposed to be transferred was created by Decision No. 10945, dated September 2, 1922, on

Application No. 8005.

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.

United Motor Transport Lines, Inc. 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 C. W. Ganow shall within twenty (20) days after the effective date of the order unite with applicant United Motor Transport Lines, Inc. in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant C. W. Ganow on the one hand withdrawing, and applicant United Motor Transport Lines, Inc. on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant C. W. Ganow shall within twenty (20) days after the effective date of the order withdraw time schedules filed in his name with the Railroad Commission and applicant United Motor Transport Lines, Inc. shall within twenty (20) days after the effective date of the order file, in duplicate, in its own name time schedules covering service heretofore given by applicant C. W. Ganow, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant C. W. Ganow 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 United Motor Transport Lines, Inc. 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 authority granted to sell and transfer the right and/or property shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.

Dated at San Francisco, California, this 16th day
of April, 1934.

O. C. Leary
Leon Swisher
M. J. Carr
M. B. Harris
Walter Moore
COMMISSIONERS.