

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.

Pacific Motor Trucking Company 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 Oakland-San Jose Transportation Company shall within twenty (20) days after the effective date of the order unite with applicant Pacific Motor Trucking Company in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicant Oakland-San Jose Transportation Company on the one hand withdrawing, and applicant Pacific Motor Trucking Company on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Oakland-San Jose Transportation Company shall within twenty (20) days after the effective date of the order withdraw time schedules filed in its name with the Railroad Commission, and applicant Pacific Motor Trucking Company 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 Oakland-San Jose Transportation Company, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Oakland-San Jose Transportation 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 Pacific Motor Trucking Company 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.

Dated at San Francisco, California, this 26th day of
November, 1934.

Leon Whitney

M. A. Lee

M. B. Harris

M. S. Southworth

Francis R. Rubin

Commissioners.