

Decision No. 28827

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
T. J. BENNETTS doing business under the)
name of BENNETT FREIGHT LINE to sell, -and)
HUNTINGTON STAGE LINES, INC., to purchase,)
an automobile freight line operated between)
Fresno and Bass Lake (The Pines), California.)

Application
No. 20544

BY THE COMMISSION

ORIGINAL

O P I N I O N

T. J. BENNETTS, doing business under the name and style of BENNETT FREIGHT LINE, has petitioned the Railroad Commission for an order approving the sale and transfer by him to HUNTINGTON STAGE LINES, INC. of operating rights for the automotive transportation as a highway common carrier of property between Fresno, Oneals, Fine Gold, Adobe, North Fork, The Pines, Friant, South Fork and Indian Mission and HUNTINGTON STAGE LINES, INC. has 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 \$2000.00. Of this sum \$1000.00 is alleged by the applicant to be the value of the equipment and \$1000.00 is alleged to be the value of the intangibles.

The operating rights herein proposed to be transferred were acquired under authority of Decision No. 20621, dated December 26, 1928 on Application No. 15275.

This appears to be a matter in which a public hearing is not necessary. The application will be granted.

HUNTINGTON STAGE 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.

O R D E R

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 for any purpose other than the transfer herein authorized.
2. Applicant T. J. BENNETTS shall within twenty (20) days after the effective date of the order herein unite with applicant HUNTINGTON STAGE LINE, INC. in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant T. J. Bennetts withdrawing and applicant HUNTINGTON STAGE LINES, INC. accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant T. J. BENNETTS shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in his name with the Railroad Commission and applicant HUNTINGTON STAGE LINE, INC. shall within twenty (20) days after the effective date of the order herein file, in duplicate, in its own name time schedules now on file with the Railroad Commission, in the name of applicant T. J. BENNETTS 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 obtained.

5. No vehicle may be operated by applicant HUNTINGTON STAGE 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 herein granted to sell and transfer the rights 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.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10th day of May, 1936.

M. B. C. C.
Leon A. White
M. A. C.
Walter W. W.
Francis P. Deven
Commissioners