

Decision No. 20005

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application
of LOUIS DECKER to sell and
L. G. BARTHOLOMEW to purchase an
automobile passenger line operated
between the City of Fresno and
certain contiguous unincorporated
suburban territory on the south-
easterly border line of said city.

Application No. 20669

BY THE COMMISSION:

O P I N I O N

Louis Decker operating under the name and style of Harvey Avenue and Hazelwood Bus Line has petitioned the Railroad Commission for an order approving the sale and transfer by him to L. G. Bartholomew of an operating right for the automotive transportation as a highway common carrier of passengers between the City of Fresno and certain contiguous unincorporated suburban territory on the southeasterly border of said city; and L. G. Bartholomew 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 hereof.

The consideration to be paid for the property herein proposed to be transferred is the agreement of the proposed purchaser, L. G. Bartholomew, to provide a home for the proposed seller Louis Decker, for the remainder of his natural life.

Under said agreement Louis Decker will transfer his certificate of public convenience and necessity and certain

equipment described therein but the nature of the consideration involved therein precludes the possibility of segregating or allocating specific values to said operating right or said equipment.

The operating right herein proposed to be transferred was created by Decision No. 25332, dated November 7, 1932 on Application No. 18417.

This appears to be a matter in which a public hearing is unnecessary. The application will be granted.

L. G. Bartholomew 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 Louis Decker shall within twenty (20) days after the effective date of the order herein unite with applicant L. G. Bartholomew in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred

applicant Louis Decker withdrawing and applicant L. G. Bartholomew accepting and establishing such tariffs and all effective supplements thereto.

3. Applicant Louis Decker 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 L. G. Bartholomew shall within twenty (20) days after the effective date of the order herein file, in duplicate, in his own name time schedules covering service heretofore given by applicant Louis Decker which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Louis Decker 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 L. G. Bartholomew 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.

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 22nd day of July, 1936.

M. B. Harris

Walter H. ...

Frazer R. Devereux
COMMISSIONERS