

Decision No. 20166

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
L. G. BARTHOLOMEW, an individual, and)
WILLIAM RITCHIE and GEORGE HARM, a)
limited partnership, for an order)
authorizing the sale and transfer of)
the operative rights herein described.)

Application No. 21473

ORIGINAL

BY THE COMMISSION:

O P I N I O N

L. G. BARTHOLOMEW, an individual doing business as Harvey Ave. & Hazelwood Bus Line, has petitioned the Railroad Commission for an order approving the sale and transfer by him to William Ritchie and George Harm, a limited partnership, of an operating right for the automotive transportation, as a common carrier of passengers between certain points in the City of Fresno and certain contiguous unincorporated suburban territory on the southeasterly border of said City, more particularly described as set forth in Exhibit "A" of the application, the sale and transfer to be in accordance with an agreement, a copy of which, marked Exhibit "B", is attached to the application herein and made a part hereof.

The operating right proposed to be transferred was acquired under authority of Decision No. 29005, in Application No. 20669.

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

William Ritchie and George Harm 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.

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 L. G. Bartholomew shall, within twenty (20) days after the effective date of the order herein, unite with William Ritchie and George Harm in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant L. G. Bartholomew withdrawing and applicants William Ritchie and George Harm accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant L. G. Bartholomew 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 applicants William Ritchie and George Harm shall, within twenty (20) days after the effective date of the order herein, file in duplicate, in their own names, time schedules covering service heretofore given by applicant L. G. Bartholomew, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant L. G. Bartholomew, 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 applicants 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.

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 27th day of September, 1937.

Commissioners.