

Decision No. 33781

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of )  
G. W. Cobb, doing business as Triangle Transfer )  
Company, and VINCENT B. COBB and ONAN E. MARBUT, )  
for an order of the Commission transferring )  
from G. W. Cobb to Vincent B. Cobb and Onan H. )  
Marbut that certain certificate of public con- )  
venience and necessity originally granted by )  
Railroad Commission decision No. 7075 and )  
thereafter transferred to G. W. Cobb by Railroad )  
Commission decision No. 16254, and thereafter )  
extended by Railroad Commission decision No. )  
22834, and for permission to said Vincent B. )  
Cobb and Onan E. Marbut to operate the freight )  
service now being conducted by said G. W. Cobb )  
pursuant to the terms of said certificates )  
under the rate and time schedules now in effect.)

Application  
No. 21859

BY THE COMMISSION:

O P I N I O N

G. W. Cobb, doing business as Triangle Transfer Company, has petitioned the Railroad Commission for an order approving the sale and transfer by him to Vincent B. Cobb and Onan E. Marbut of an operating right for the automotive transportation as a highway common carrier of property between Fresno, Sunnyside, Clotho, Sanger, Centerville and intermediate points; and Vincent B. Cobb and Onan E. Marbut have 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 thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$4,000. Of this sum \$1,000 is alleged by the applicant to be the value of the equipment and \$3,000 is alleged to be the value of the intangibles.

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

The operating right herein proposed to be transferred is a consolidated operative right as created by Decision No. 16254, dated March 19, 1926, on Application No. 12588, and Decision No. 22834, dated September 3, 1930, on Application No. 16599.

Vincent B. Cobb and Onan H. Marbut 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.

#### ORDER

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 G. W. Cobb shall within twenty (20) days, after the effective date of the order herein unite with applicants Vincent B. Cobb and Onan H. Marbut in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant G. W. Cobb withdrawing and applicants Vincent B. Cobb and Onan H. Marbut accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant G. W. Cobb 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 Vincent B. Cobb and Onan H. Marbut 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

G. W. Cobb which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant G. W. Cobb 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.

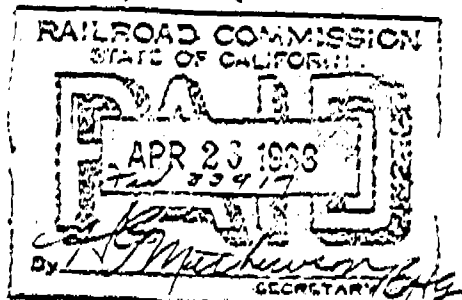
5. No vehicle may be operated by applicants Vincent B. Cobb and Onan H. Marbut unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

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.

7. Applicants shall prior to the commencement of service authorized herein and continuously thereafter comply with all of the provisions of this Commission's General Order No. 91.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective when Vincent B. Cobb and Onan H. Marbut have paid the minimum fee required by Section 57 of the Public Utilities Act, which minimum fee is twenty-five dollars.

Dated at San Francisco, California, this 18<sup>th</sup> day of April, 1938.



[Signature]  
[Signature]  
[Signature]  
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COMMISSIONERS.