

by the Commission of the authority for the transfer herein sought.

The operating right herein proposed to be transferred was created by Decision No. 29029, dated August 3, 1936, on Application No. 20045. This appears to be a matter in which a public hearing is not necessary. The application will be granted.

The Atchison, Topeka and Santa Fe Railway 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.

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 Santa Fe Transportation Company shall within twenty (20) days after the effective date of the order herein unite with applicant The Atchison, Topeka and Santa Fe Railway Company in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Santa Fe Transportation Company withdrawing and applicant The Atchison, Topeka and Santa Fe Railway Company accepting and establishing such tariffs and all effective supplements thereto.

3. Applicant Santa Fe Transportation Company shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in its name with the Railroad Commission and applicant The Atchison, Topeka and Santa Fe Railway Company shall within twenty (20) days after the effective date of the order herein file, in duplicate, in its own name time schedules covering service heretofore given by applicant Santa Fe Transportation Company which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Santa Fe 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 obtained.

5. No vehicle may be operated by applicant The Atchison, Topeka and Santa Fe Railway 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.

6. The authority herein granted to sell and transfer the right 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. Applicant 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.

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

Dated at San Francisco, California, this 27th day of
June, 1938.

W. H. ...
Leon ...
Frank R. ...
Robert ...
Arthur ...
COMMISSIONERS