

Decision No. 31143

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Joint Application )  
of LOUISE BEANLAND, as Executrix of the )  
estate of ROSS H. BEANLAND, sometimes )  
known as ROSS HUNTER BEANLAND, Deceased, )  
doing business under the fictitious name )  
of STOCKTON-MURPEYS FREIGHT LINE, herein )  
designated as Seller, TO SELL, )  
and CALAVERAS TRANSIT COMPANY, LTD., a )  
corporation, herein designated as Buyer, )  
TO BUY, certain designated automotive )  
equipment and personal property, and in )  
conjunction therewith to acquire and )  
exercise certain operative rights for )  
the transportation of property as a )  
public utility for compensation between )  
points each located in the State of )  
California. )

ORIGINAL

Application No. 22034

BY THE COMMISSION:

O P I N I O N

Louise Beanland, as executrix of the estate of Ross H. Beanland, doing business as Stockton-Murphys Freight Line, has petitioned the Railroad Commission for an order approving the sale and transfer by her to Calaveras Transit Company, Ltd. of an operative right for the automotive transportation as a highway common carrier of property between Stockton and Murphys; and Calaveras Transit Company, Ltd. has petitioned for authority to purchase and acquire said operative right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement, a copy of which, marked Exhibit I, 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 \$9,000. Of this sum \$2,994.50 is alleged by the applicant to be the value of the equipment and \$6,005.50 is alleged to be the value of the intangibles.

The operative right herein proposed to be transferred was created by Decision No. 13722, dated August 17, 1927, on Application No. 13665.

This does not appear to be a matter in which a public hearing is necessary. The application will be granted ex parte.

Calaveras Transit Company, Ltd., 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.

#### 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 Louise Beanland, as executrix of the estate of Ross H. Beanland, shall within twenty (20) days after the effective date of the order herein unite with applicant Calaveras Transit Company, Ltd. in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Beanland withdrawing and applicant Calaveras Transit Company, Ltd. accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Beanland shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in her name with the Railroad Commission and applicant Calaveras Transit Company, Ltd. 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 Beanland which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Beanland 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 Calaveras Transit Company, Ltd. 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 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.

8. Unless otherwise hereafter ordered this order shall become effective five (5) days after filing with the Commission a certified copy of the order of the Supreme Court authorizing the above transaction.

Dated at San Francisco, California, this 15 day of

August, 1938.

Robert W. ...  
Leon ...  
Francis ...  
Ray & Riley  
COMMISSIONERS.