

Decision No. 22572

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of DULCIE A. MILLER, doing busi-
ness as SANTA BARBARA SPECIAL
DELIVERY, to sell and RODNEY M.
ADDCOX to purchase an automotive
freight line operated between Los
Angeles and Santa Barbara, Cal-
ifornia.

Application No. 23114

BY THE COMMISSION:

O P I N I O N

Dulcie A. Miller, doing business as Santa Barbara Special Delivery, has petitioned the Railroad Commission for an order approving the sale and transfer to Rodney M. Addcox of an operative right for the automotive transportation, as a highway common carrier of property, between Los Angeles and Santa Barbara and certain intermediate points. Rodney M. Addcox has petitioned for authority to purchase and acquire said operative right and to hereafter operate thereunder. The sale and transfer is 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 shown to be \$10,000. Of this sum, \$1,500 is alleged by applicants to be the value of the equipment and \$8,500 is alleged to be the value of the intangibles.

The operative right herein proposed to be transferred was acquired by Dulcie A. Miller under the authority of the

Commission's Decision No. 24285, dated December 7, 1931, on Application No. 17822.

This does not appear to be a matter in which a public hearing is necessary and the application will be granted.

Rodney M. Addcox 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 ORDERED that Dulcie A. Miller is hereby authorized to transfer to Rodney M. Addcox, and Rodney M. Addcox is hereby authorized to acquire the operative right referred to in the foregoing opinion, in accordance with the terms of the agreement, marked Exhibit "A" attached to the application herein and to hereafter operate thereunder, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all of 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.
2. 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.

3. Applicant Rodney M. Addcox shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, unite with applicant Dulcie A. Miller, in common supplement to the tariffs on file with the Commission covering the service given under the operative rights herein authorized to be transferred, applicant Dulcie A. Miller withdrawing, and applicant Rodney M. Addcox accepting and establishing such tariffs and all effective supplements thereto.

4. Applicant Dulcie A. Miller shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, withdraw all time schedules filed in said applicant's name with the Railroad Commission and applicant Rodney M. Addcox shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, file in duplicate, in his own name time schedules covering service heretofore given by applicant Dulcie A. Miller, which time schedules shall be satisfactory to the Railroad Commission.

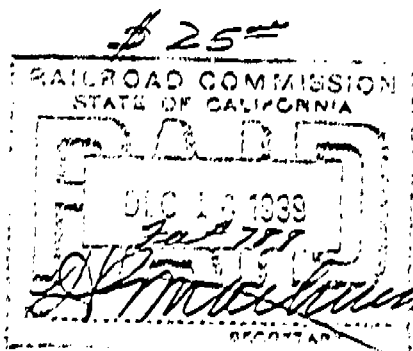
5. The rights and privileges herein authorized may not be sold, leased, transferred, nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been obtained.

6. No vehicle may be operated by applicant Rodney M. Addcox 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.

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.

IT IS FURTHER ORDERED that the authority herein granted shall become effective when there has been paid the minimum fee required by Section 57 of the Public Utilities Act, which minimum fee is \$25.

Dated at San Francisco, California, this: 21st day of November, 1939.



[Signature]
[Signature]
Ray & Rice
[Signature]
COMMISSIONERS