

Decision No. 23945

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. H. WESTON to sell and A. H. WESTON)
and W. H. CURSON, doing business as the)
Weston & Curson Stage Line, to purchase)
an automobile line operated between)
Woodland and Rumsey, in Yolo County,)
California.)

Application No. 23945

ORIGINAL

BY THE COMMISSION:

O P I N I O N

A. H. Weston, an individual, operating under the fictitious name and style of Woodland-Rumsey Auto Stage, has petitioned the Railroad Commission for an order approving the transfer by him to the co-partnership of A. H. Weston and W. H. Curson, doing business as Weston & Curson Stage Line, of an automotive common carrier operative right for the transportation of passengers, baggage and express between Woodland and Rumsey and certain intermediate points. A. H. Weston and W. H. Curson have petitioned for authority to acquire such operative right and to hereafter operate thereunder.

The sale and transfer is to be made in accordance with an agreement, a copy of which is attached to and made a part of the application.

The consideration to be paid for the property herein proposed to be transferred is given as the sum of ten dollars (\$10) which is declared to be the value of the operative right. No equipment is to be transferred.

The operative right herein proposed to be transferred

was created by Decision No. 10451, dated May 12, 1922, on Application No. 7557.

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

A. H. Weston and W. H. Curson 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 ORDERED that A. H. Weston, an individual, is hereby authorized to transfer to A. H. Weston and W. H. Curson, a co-partnership, the automotive common carrier operative right referred to in the foregoing opinion and A. H. Weston and W. H. Curson are hereby authorized to acquire said operative right and to hereafter operate thereunder, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicants 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.
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 A. H. Weston 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 applicants A. H. Weston and W. H. Curson 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 A. H. Weston withdrawing, and applicants A. H. Weston and W. H. Curson accepting and establishing such tariffs and all effective supplements thereto.

4. Applicant A. H. Weston 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 his name with the Railroad Commission and applicants A. H. Weston and W. H. Curson 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 triplicate, in their own names, time schedules covering service heretofore given by applicant A. H. Weston, 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 applicants A. H. Weston and W. H. Curson 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.

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

Dated at San Francisco, California, this 11th day of February, 1941.

[Signature]
[Signature]
[Signature]
Justin J. Cameron
Francis D. Havenor
COMMISSIONERS