

Decision No. 23889

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of MANUEL ARTOZQUI, FRANK)
ARTOZQUI and JOE MURATORE, doing busi-)
ness under the name of Artozqui Bros. &)
Co. to sell and MANUEL ARTOZQUI and)
FRANK ARTOZQUI, doing business under)
the name of Artozqui Bros. to purchase)
an automobile freight line between)
Stockton and all points in California)
as certified livestock haulers.)

ORIGINAL

Application
No. 23889

BY THE COMMISSION:

O P I N I O N

Manuel Artozqui, Frank Artozqui and Joe Muratore, a co-partnership, operating under the name and style of Artozqui Bros. & Co., have petitioned the Railroad Commission for an order approving the sale and transfer by them to Manuel Artozqui and Frank Artozqui, a co-partnership, doing business as Artozqui Bros., of a highway common carrier operative right for the transportation of livestock, as restricted, over five routes between certain termini and intermediate points principally in central California. Manuel Artozqui and Frank Artozqui have petitioned for authority to purchase and acquire said operative right and hereafter to operate thereunder. The sale and transfer is to be made in accordance with an agreement, a copy of which, marked Exhibit "A," 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 \$300 of which \$299 is declared to be the value of the equipment and \$1.00 is declared to be the value of the operative right.

The operative right herein proposed to be transferred was created by Decision No. 32673, dated December 19, 1939, on Application No. 22466.

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

Manuel Artozqui and Frank Artozqui 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 Manuel Artozqui, Frank Artozqui and Joe Muratore are hereby authorized to transfer to Manuel Artozqui and Frank Artozqui the highway common carrier operative right referred to in the foregoing opinion and Manuel Artozqui and Frank Artozqui are hereby authorized to acquire said operative right and hereafter to 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. Applicants Manuel Artozqui, Frank Artozqui and Joe Muratore 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 Manuel Artozqui and Frank Artozqui in common supplement to the tariffs on file with the Commission covering the service given under the operative rights herein authorized to be transferred, applicants Manuel Artozqui, Frank Artozqui and Joe Muratore withdrawing, and applicants Manuel Artozqui and Frank Artozqui accepting and establishing such tariffs and all effective supplements thereto.

4. Applicants Manuel Artozqui, Frank Artozqui and Joe Muratore 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 their names with the Railroad Commission and applicants Manuel Artozqui and Frank Artozqui 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 applicants Manuel Artozqui, Frank Artozqui and Joe Muratore, 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 Manuel Artozqui and Frank Artozqui 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.

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

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

Dated at ^{Los Angeles} ~~San Francisco~~, California, this 15th day of February, 1941.

[Handwritten signatures of three commissioners]

Justus J. Guerin
Francis K. Haveman
COMMISSIONERS