

Decision No. 37483

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of W.C.)
McILVAIN, doing business as REDWOOD)
CITY-WOODSIDE STAGE LINE, for authority)
to acquire sole ownership in and to the)
certificate of public convenience and ne-)
cessity to operate passenger stage)
service heretofore granted to Walter C.)
and Lily McIlvain, co-partners.)

ORIGINAL

Application No. 26404

BY THE COMMISSION:

O P I N I O N

By Decision No. 30187, in Application No. 21449, Walter C. McIlvain and his wife Lily McIlvain were authorized to acquire from Max Henderson a passenger stage operative right between Redwood City and Woodside and intermediate points. Thereafter, by Decision No. 30919, in Application No. 21870, the Commission granted a certificate to the McIlvains authorizing an extension of this operation from Woodside to Toyon Knolls.

In the above entitled application, Walter C. McIlvain requests the Commission to authorize him to acquire sole ownership of the above described operative rights. In support of this request, the application states, in substance, that Lily McIlvain died intestate; that no probate proceedings are pending in any court involving the estate of Lily McIlvain, deceased; that whatever interest Lily McIlvain may have had in the business has reverted to him; and that there are no liens or obligations whatsoever against the estate of Lily McIlvain, deceased.

In our judgment, the authority requested should be granted. This is not a matter requiring a public hearing.

Walter C. McIlvain is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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

Good cause appearing,

IT IS ORDERED as follows:

(1) That Walter C. McIlvain is hereby authorized to acquire whatever interest may have been possessed by Lily McIlvain, deceased, in or to the passenger stage operative rights created by Decision No. 30187, in Application No. 21449, and Decision No. 30919, in Application No. 21870.

(2) That applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on not less than ten (10) days' notice to the Commission and the public.

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

Dated at San Francisco, California, November 2, 1944.

Justice F. C. C. C.
Francis L. Havenner
Francis L. Havenner

COMMISSIONERS