

Decision No. 38016

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LEE) BELDEN, operating under the fictitious ) name of the Atlantic and S.P. Transfer, ) to sell, and E. A. Wortman to purchase ) an automobile freight line operated be- ) tween Los Angeles, Glendale, Pasadena ) Long Beach, Venice, Ocean Park, Santa ) Barbara, Santa Monica, Whittier, San ) Pedro, Anaheim, Fullerton, Pomona, ) Ontario, Santa Ana, Oxnard, Riverside, ) San Bernardino, Redlands and Ventura, ) California.

ORIGINAL

Application No. 26690

BY THE COMMISSION:

O P I N I O N

Lee Belden, doing business as Atlantic and S.P. Transfer, requests authority to sell E. A. Wortman his operative right created by Decision No. 17666. The purchaser seeks authority to acquire said right.

The operative right involved authorized the automotive transportation of limited and specified commodities consisting of theatrical properties and paraphernalia and other items between Los Angeles and certain named points in Southern California, all as more specifically set forth in said Decision No. 17666. Said service has been conducted continuously to date.

Due to his age and a desire to quit the business, Belden now wishes to sell said right to Miss E. A. Wortman, who has been his bookkeeper, office manager and assistant during the past 22 years, for a consideration of \$250 to be paid in cash. The purchaser will continue to operate the business and will use the fictitious firm name of Theatrical Drayage Co. No changes in tariffs or time

schedules are proposed. The purchaser is not now operating any transportation business of her own. She proposes to acquire the necessary equipment by lease or purchase.

Financial data filed by applicants show that Lee Beldon's net operating revenues for the years 1940 to 1944, inclusive, were as follows: 1940, \$342.08; 1941, \$204.41; 1942, \$879.88; 1943, \$3,197.95; 1944, \$6,977.85; and 1945 (3 mos.), \$1,494.87.

The purchaser is sufficiently experienced in this business and she states that her financial condition as of April 20, 1945, consisted of \$3,500 in cash and no liabilities.

After full consideration of this application the Commission finds the proposed transfer to be in the public interest. A public hearing is not necessary. The application will be granted.

The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

E. A. Wortman 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

IT IS HEREBY ORDERED:

(1) That Lee Belden be and he is hereby authorized to sell and transfer to E. A. Wortman, on or before September 1, 1945, the operative right created by Decision No. 17666, dated November 29, 1926, and that E. A. Wortman be and she is hereby authorized to purchase and acquire said right and thereafter operate thereunder.

(2) That within thirty (30) days after the transfer of the operative right authorized herein, said purchaser shall file with this Commission a copy of the Bill of Sale executed under the authority herein granted.

(3) That if the purchaser acquires the operative right she may charge to Intangible Capital account not more than fifty (50) dollars of the purchase price of the operative right, the remainder of the payment for such operative right is to be charged to Proprietors' Investment account.

(4) That applicants shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing in triplicate, and concurrently making effective, appropriate tariffs and time tables within sixty (60) days from the effective date hereof, and on not less than five (5) days' notice to the Commission and the public.

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

Dated at San Francisco, California, June 26, 1945..

Charles D. Anderson  
Justus J. Galvez  
Richard L. Sachs  
Walter R. Duce  
COMMISSIONERS