

Decision No. 38136

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. H. WESTON and W. H. CURSON, doing)
business as the WESTON AND CURSON)
STAGE LINE, to sell and E. J. GREER)
to purchase an automobile line oper-)
ated between Woodland and Rumsey, in)
Yolo County, California.)

Application No. 26817

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this application, A. H. Weston and W. H. Curson, doing business as Weston & Curson Stage Line, propose to sell and transfer, and E. J. Greer to purchase and acquire, an operative right for the transportation of passengers, baggage and express between Woodland and Rumsey, together with certain equipment used in such operation.

The operative right was acquired by Weston and Curson pursuant to Decision No. 33886, rendered on February 11, 1941, in Application No. 23945. Under the terms of the grant, the following intermediate points are served: Brown's Corner, Jacobs Corner, Madison, Esparto, Capay, Brooks, Tancred and Guinda.

The agreement of sale negotiated between the parties, and which is submitted with the application, sets forth that the seller agrees to convey to the buyer, in addition to the operative right involved, one 1925 seven-passenger Lincoln automobile. The consideration is \$150, which is alleged to represent the present value of the automobile. There is no money consideration involved in the transfer of the operative right.

Weston and Curson, the transferors, give as a reason for disposing of their business the fact that they desire to withdraw from the activities of a passenger common carrier, and that the transferee is willing and able to continue the business in the manner it has heretofore been conducted by said transferors.

The sellers submit certain data with respect to their operating revenues and expenses which appear in the margin. (1)

We have given full consideration to this matter and are of the opinion that the transfer should be authorized. There is no other passenger stage service operation over the route proposed to be transferred. A public hearing is not necessary.

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

B. F. Greer 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.

(1)	1941	1942	1943	1944	1945
Revenues	\$1889.98	\$2388.25	\$3217.53	\$3985.49	\$1860.38
Expenses	1655.36	1736.13	1915.38	2053.87	1215.72
Estimated net Revenue	\$ 234.62	\$ 652.12	\$1266.15	\$1931.62	\$ 644.66

O R D E R

IT IS ORDERED:

(1) That A. H. Weston and W. H. Curson be, and they hereby are authorized to transfer to E. J. Greer the operative right and other property referred to in the foregoing opinion before September 1, 1945, and that E. J. Greer be, and he hereby is, authorized to acquire said right and property and thereafter to operate thereunder.

(2) That applicants 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 tables within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.

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

Dated at San Francisco, California, this 14th day of August, 1945.

Howard Rudman
Justus F. Casper
Richard H. Chase
Harold W. Curson
James D. Lawrence
 COMMISSIONERS