

Decision No. 39067

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of ALICE A. RICHARDSON, J. NED	:	
RICHARDSON, and ROBERT LEE RICHARD-)	
SON, copartners under the	:	Application
name of RICHARDSON SPRINGS STAGE,)	No. 27540
for an order confirming transfer	:	
of public utility property.)	
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OPINION AND ORDER

In this application it is set forth, among other things, that Alice A. Richardson and Lee Richardson, co-partners doing business under the name of Richardson Springs Stage, formerly operated a business for the automotive transportation of passengers and express between Richardson Springs and Chico, and Chico Army Air Field; that Lee Richardson, one of the above named partners, died on March 26, 1945; that J. Ned Richardson was appointed administrator of the Estate of Lee Richardson; and that on April 1, 1946, the Superior Court of the State of California, in and for the County of Butte, made its Decree of Final Distribution whereby the one-half interest of the decedent, Lee Richardson, in the Richardson Springs Stage is distributed in equal shares to J. Ned Richardson and Robert Lee Richardson.

It further appears that the two distributees, J. Ned Richardson and Robert Lee Richardson, have formed a co-partnership with decedent's surviving partner, Alice A. Richardson, to continue the operation of the passenger stage service, as

aforesaid, under the name Richardson Springs Stage and under tariffs and time schedules identical with those heretofore filed with the Commission by Alice A. Richardson and Lee Richardson. They therefore have asked the Commission for an order authorizing them, as co-partners, to acquire and exercise the operative rights permitting the automotive transportation service.

The operative rights referred to were acquired by Alice A. Richardson and Lee Richardson pursuant to authority granted by the Commission by Decision No. 31886, dated April 4, 1939, in Application No. 22645, and by Decision No. 35388, dated May 19, 1942, in Application No. 24991. Under authority granted by said Decision No. 31886, Alice A. Richardson and Lee Richardson, co-partners doing business as Richardson Springs Stage, acquired from the estate of Joseph H. Richardson a prescriptive operative right for the automotive transportation of passengers and express between Richardson Springs and Chico. Thereafter, by said Decision No. 35388, they were granted a certificate of public convenience and necessity authorizing the extension of said stage service to Chico Basic Flying School (now known as Chico Army Air Field) as an intermediate point, which said extension was ordered consolidated with the then existing service.

The 1945 annual report of the Richardson Springs Stage operations shows three cars operated in the service and the investment in such cars at \$1,782.22. The revenues for 1945 were reported at \$4,602.48 and the expenses at \$5,175.37.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary and that the request of applicants should be granted as herein provided. They

are 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.

The action taken herein shall not be construed to be a finding of value of said properties.

IT IS HEREBY ORDERED that the transfer of said operative rights and stage properties to Alice A. Richardson, J. Ned Richardson and Robert Lee Richardson as co-partners, be, and it is hereby, authorized provided, that said applicants 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 to the public.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is effective upon the date hereof.

Dated at San Francisco, California, this 11th day
of June, 1946.

Harold Anderson

Justin F. Craven

James F. Powell

Harold P. Kula

Commissioners