

Decision No. 39410

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 ROBIN C. JOLLIFFE)
 to sell and)
 R. P. GEDDES, JR.)
 to purchase an automobile (Passenger and)
 Freight Line) operated between Oceanside)
 and Palomar Observatory, California.)
 -----)

ORIGINAL

Application
No. 27833

OPINION AND ORDER

This is an application for an order of the Railroad Commission authorizing Robin C. Jolliffe to transfer to R. P. Geddes, Jr. a certificate of public convenience and necessity granted by the Commission by Decision No. 33114, dated May 21, 1940, in Application No. 23316, for the operation of an automobile stage line for the transportation of passengers and their baggage and express between Oceanside and Palomar Mountain and intermediate points. (1)

The verified application shows that R. P. Geddes, Jr. has acted as a silent partner in the operations conducted by Robin C. Jolliffe; that said Geddes has borne all the expenses for capital investment, advertising and operating costs; that said Jolliffe now desires to withdraw from the business; and that said applicants, accordingly, have entered into an agreement, dated June 29, 1946, a copy of which has been filed in this proceeding, as Exhibit "A", for the transfer of the

(1) Due to war conditions the time for compliance with the order was extended from time to time. Operations were commenced on July 1, 1946.

operative rights and properties to Geddes. The consideration to be paid is the sum of \$300 of which \$250 is said to represent organization expenses and \$50 the value of the operative rights.

R. P. Geddes, Jr. 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.

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

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 provided herein, therefore

IT IS HEREBY ORDERED as follows:

1. Robin C. Jolliffe, after the effective date hereof and on or before December 31, 1946, may transfer to R. P. Geddes, Jr. the certificate of public convenience and necessity granted to him by Decision No. 33124, dated May 21, 1940, in Application No. 23316, such transfer to be made in accordance with the terms of the agreement filed in this proceeding as Exhibit "A".

2. Applicants shall comply with the provisions of General Orders No. 79 and 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 one (1) day's notice to the Commission and to the public.

3. The authority herein granted will become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17th day of September, 1946.

Harold P. Hull

Thomas J. Clark

W. H. Lowell

A. E. Anderson

Commissioners