

Decision No. 40317

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ALBERT J. CHAPIN to transfer and NORMAN
 H. ROBOTHEAM to take and repossess that
 certain automobile passenger bus line
 operating between and within Marysville
 and Yuba City, California, under the
 name and style of Twin Cities Transit.

Application No.
 28419

O P I N I O N

By this application, Norman H. Robotham seeks author-
 ity to reacquire the auto stage operative rights and properties
 formerly sold by him to Albert J. and Ione C. Chapin, as joint
 tenants, pursuant to the permission granted by Decision No.
 38714, dated February 26, 1946, in Application No. 27254.

Albert J. Chapin, it is alleged, is now the sole owner
 of the properties by right of survivorship following the death of
 his wife on February 19, 1947. The application states that
 Chapin is in default in the payment of the purchase price, and
 that Robotham has elected to exercise his rights under the agree-
 ment of February 4, 1946, and the chattel mortgage given by
 Chapin (Exhibits A and C, App. 27254) to repossess the properties
 covered thereby, subject to the consent of the Commission. The
 consideration for the proposed transfer is the cancellation of
 the agreement, the satisfaction of the chattel mortgage, and can-
 cellation of the unpaid balance of the promissory note (Exhibit
 B, App. 27254) amounting to \$19,975.00.

The buyer represents that he is an experienced passen-
 ger stage operator and that he will continue to operate the ser-

vice under the same standards as those maintained by the seller, pursuant to existing tariffs and schedules.

It appears that the transfer of operative rights and properties as proposed herein is consistent with the public interest, and it will accordingly be authorized. A public hearing is not necessary.

Norman H. Robotham 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 in the number of rights which may be given.

O R D E R

Application having been made therefor, and the Commission having considered the same and being now fully advised,

IT IS ORDERED:

(1) That Albert J. Chapin, after the effective date hereof and on or before July 31, 1947, may transfer to Norman H. Robotham the certificates of public convenience and necessity and other property heretofore acquired by the said Albert J. Chapin from the said Norman H. Robotham pursuant to Decision No. 38714, dated February 26, 1946, in Application No. 27254, and the said Norman H. Robotham is hereby authorized to acquire said certificates and property, and to conduct the passenger stage service authorized thereunder.

(2) 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 to the public.

(3) The authority herein granted is not to be construed to be a finding of value of the properties herein authorized to be transferred.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco California, this 27th day of May, 1947.

Harold P. Kula
Justin J. Calver
Paul H. Powell
R. E. Dunning
Penelope Patten
Commissioners