

Decision No. 40783

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 R. P. GEDDES, JR., to transfer, and)
 R. P. GEDDES, JR., F. C. HORN and)
 H. A. PIKE, copartners, doing)
 business under the trade name and)
 style of PALOMAR MOUNTAIN STAGES,)
 to acquire, an automotive service)
 for the transportation of passengers)
 and their baggage and express be-)
 tween Oceanside and Palomar Mountain)
 and intermediate points in the State)
 of California.)

ORIGINAL

Application No. 28689

O P I N I O N

This is an application for an order of the Public Utilities Commission authorizing R. P. Geddes, Jr., to transfer to R. P. Geddes, Jr., F. C. Horn, and H. A. Pike, copartners, a certificate of public convenience and necessity granted by the Commission in 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., F. C. Horn, and H. A. Pike, have formed a partnership. A signed copy of the partnership agreement, which is dated January 1, 1947,

(1) The certificate of public convenience and necessity under Decision No. 33114, dated May 21, 1940, was originally granted to Robin C. Jolliffe. It was transferred to R. P. Geddes, Jr. by Decision No. 39410, dated September 17, 1946, in Application No. 27833.

is attached to the application as Exhibit "A". R. P. Geddes, Jr., who is now operating as an individual, proposes to transfer to this partnership, the aforementioned certificate of public convenience and necessity, for a one-third (1/3) interest. F. C. Horn and H. A. Pike propose to transfer to the partnership "free and clear of all liens, encumbrances, and other charges, one new Superior Bus Body Company's 26-passenger interurban bus on Ford 151-inch wheel base, 1-1/2 ton truck chassis, equipped and marked as required by the rules, regulations and orders of the Public Utilities Commission".⁽²⁾ The aforesaid certificate and bus shall constitute the initial capital of the partnership.

ORDER

Application as above entitled having been filed, the Commission being fully advised of the premises, and good cause appearing,

IT IS HEREBY ORDERED AS FOLLOWS:

(1) R. P. Geddes, Jr., after the effective date hereof, and on or before December 31, 1947, may transfer to R. P. Geddes, Jr., F. C. Horn, and H. A. Pike, copartners, the certificate of public convenience and necessity granted to Robin C. Jolliffe by Decision No. 33114, dated May 21, 1940, in Application No. 23316, and transferred to R. P. Geddes, Jr. by Decision No. 39410,

(2) Page 4 of Exhibit "A" attached to application.

dated September 17, 1946 in Application No. 27833, such transfer to be made in accordance with the terms of the agreement filed in this proceeding as Exhibit "A".

(2) Applicant 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 not less than one (1) day's notice to the Commission and to the public.

(3) R. P. Geddes, Jr., F. C. Horn, and E. A. Pike, copartners, 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.

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

(5) The authority herein granted shall become effective

twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of
October, 1947.

Harold F. Kula
Justin J. Callicott
W. S. Howell
R. J. [unclear]

Commissioners