

Decision No. 42491

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
CLAYTON ESLINGER, FREDDIE L. ALLEN )  
and ELMER WORTHINGTON for an order )  
authorizing dissolution of old )  
partnership and formation of new )  
partnership for operation of SAN )  
DIEGO-CAMPO BUS LINE. )

Application No. 29953

O P I N I O N

Clayton Eslinger and Elmer Worthington, partners, doing business as San Diego-Campo Bus Line conduct service as a passenger stage corporation for the transportation of passengers, baggage and express, in general between San Diego, Campo, Morena Lake and Tecate and intermediate points as more particularly set forth in Decision No. 40900, on Application No. 28151.

The above entitled application states that Elmer Worthington desires to withdraw from the partnership and transfer his interest therein to Freddie L. Allen. For Worthington's interest, Allen will pay a total consideration of \$5,266. Of this amount \$1,050 is said to represent the value of the operative rights and the remainder, \$4,216, represents the value of the automotive equipment and other miscellaneous assets. Of the purchase price \$4,266 will be paid in cash upon receipt of authorization to consummate the transaction. The remainder of \$1,000 is to be paid on or before December 1, 1949.

Applicants report total gross operating revenues and expenses for 1948 of \$14,881.29 and \$11,602.18, respectively.

The transfer as proposed herein does not appear to be adverse to the public interest and the application will be granted.

However, the action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred. No public hearing is necessary.

Freddie L. Allen 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.

O R D E R

An application therefor having been filed, the Commission being fully informed in the premises and good cause appearing,

IT IS ORDERED:

(1) That on or before April 1, 1949, Clayton Eslinger and Elmer Worthington are hereby authorized to transfer to Clayton Eslinger and Freddie L. Allen the operative rights and properties referred to in the foregoing opinion, and Clayton Eslinger and Freddie L. Allen may acquire said operative rights and properties and thereafter conduct operations under said rights.

(2) That applicants shall comply with the provisions of General Orders Nos. 79, 80 and 93-A by filing in triplicate, and concurrently making effective, appropriate tariffs and time tables within 60 days from the effective date hereof and on not less than

5 days' notice to the Commission and the public.

(3) That within 30 days after the consummation of the transfer herein authorized, Clayton Eslinger and Freddie L. Allen shall notify the Commission in writing of that fact, and shall within said period file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect the transfer authorized.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of February, 1949.

*R. W. Anderson*  
*Justus J. Coe*  
*Joseph H. Fennell*  
*Harold H. Kule*  
*Herbert L. Lott*  
 COMMISSIONERS