

Decision No. 42825

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
D. A. NICKLAS to sell and CHARLES E.)	
BROCKMAN to purchase an automotive )	Application No. 30194
passenger and freight line operated )	
between Bucks Lake and Oroville, )	
California. )	

O P I N I O N

D. A. Nicklas seeks authority to sell and Charles E. Brockman seeks authority to purchase an operative right authorizing service between Oroville and Bucks Lake Lodge and intermediate points as a passenger stage corporation (for the transportation of passengers and baggage) and as a highway common carrier, as defined in Sections 2 $\frac{1}{4}$  and 2-3/4 of the Public Utilities Act.

The operative right proposed to be transferred was acquired by Nicklas pursuant to authority granted in Decision No. 39809, dated December 30, 1946, in Application No. 28057. The proposed consideration is \$250. No tangible property is involved in the transaction.

According to applicants, the transportation of passengers and freight is incidental to the carrying of United States mail between the same points. During the summer months, due to the vacationists at Bucks Lake, the revenue from passenger travel is approximately \$40.00 a month, while the revenue from freight is approximately \$200.00 a month. From October to June and especially during the winter months, the return from both operations is negligible. Applicant Brockman proposes to use one Ford V-8, 3/4-ton heavy-duty pickup truck.

The Commission has considered applicants' request and is of the opinion that the application should be granted. A public hearing is not necessary.

Charles E. Brockman 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

Application as above entitled having been made, and the Commission being fully advised in the premises,

IT IS ORDERED, that D. A. Nicklas may, after the effective date hereof, and on or before July 1, 1949, sell and transfer, and Charles E. Brockman may purchase and acquire the operative right to which reference is made in this decision. Such sale and transfer shall be made pursuant to the terms and conditions set forth herein.

IT IS FURTHER ORDERED, that Charles E. Brockman shall, within sixty (60) days after the date hereof and on not less than five (5) days' notice to the Commission and to the public, comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California, this 3rd day of May, 1949.

R. T. Murray

Justice F. Cravens

Harold P. Kula

Samuel Potter

COMMISSIONERS