

ORIGINAL

Decision No. 42972

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CHARLES A. RISHER to sell, and of )  
FLOYD WAYNE WHITE to purchase a bus )  
transit line operated in the City of ) Application No. 30397  
Chico and points immediately adjacent )  
thereto and intermediate points. )

O P I N I O N

The above entitled matter is a joint application in which Charles A. Risher and Floyd Wayne White request the Public Utilities Commission to authorize the former to sell and the latter to buy a passenger stage operative right between Chico and adjacent areas. The right was created by Decision No. 42056 in Application No. 29585.

The proposed sale and transfer would be made for a cash consideration of \$1,000, which has been placed in escrow with instructions to the escrow holder that said \$1,000 shall be paid to the seller upon approval of the proposed transfer by this Commission and by the City of Chico. (Exhibit "A" attached to the application).

The application states that the seller has lost all his operating equipment through foreclosure proceedings; that because of such loss he is unable to continue service; that there is a pressing demand that the operative right be transferred to the buyer who is experienced in public transportation and able to continue the operation.

The financial statement of the buyer indicates that he has a net worth of more than \$27,000.

After full consideration of all the evidence in this proceeding it is our conclusion that the authority sought should be granted. No public hearing is necessary. Such authority shall not be construed to be a finding of value of the operative rights herein authorized to be transferred.

Floyd Wayne White 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 therein and good cause appearing,

IT IS ORDERED:

(1) That after the effective date hereof and on or before July 15, 1949 Charles A. Risher may sell and transfer to Floyd White, and the latter may acquire from the former, the operative rights referred to in the foregoing opinion.

(2) That within 30 days after consummation of the transfer herein authorized Floyd Wayne White shall notify the Commission in writing of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of

transfer which may be executed to effect said transfer.

(3) That after the effective date hereof and on or before July 15, 1949, applicants shall comply with the provisions of General Orders Nos. 79 and 93-A by filing in triplicate and concurrently making effective appropriate tariffs and time tables on not less than 3 days notice to the Commission and the public.

This order shall be effective on the date hereof.

Dated at San Francisco, California this 13 th day of June, 1949.

R. F. [Signature]  
Justice D. Calmes  
Just. Lowell  
[Signature]  
Commissioners