

ORIGINAL

Decision No. 42657

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application
of ISABEL DUTTON HOWARD and BEN
E. NORDMAN partners doing business
under the style and business name
of

HARBOR TRANSIT

to sell and transfer the partnership
business of Guy O. Dutton and Ben E.
Nordman to ISABEL DUTTON HOWARD and
BEN E. NORDMAN

Application
No. 30849

O P I N I O N

This application shows that Isabel Dutton Howard, Administratrix of the Estate of Guy O. Dutton, and Ben E. Nordman, doing business under the name and style of Harbor Transit, have been engaged in the operation of a passenger stage line between Silver Strand Beach, Hollywood Beach, Point Mugu, Port Hueneme and Oxnard. In this application authority is requested for the transfer of the interest in the business formerly held by Guy O. Dutton to Isabel Dutton Howard.

The operations of the Harbor Transit formerly were conducted by Guy O. Dutton and Ben E. Nordman under certificates of public convenience and necessity granted by this Commission. The record shows that on or about August 18, 1945, Guy O. Dutton died and that thereafter, on May 27, 1946, the Superior Court in and for the County of Ventura entered its Decree Settling Final Account and Making Distribution in the Matter of the Estate of Guy O. Dutton whereby there was distributed to his widow, the assets of Guy O. Dutton, including his undivided one-half interest in the properties and business of Harbor Transit.

The rights under which the operations of Harbor Transit have been conducted are those granted by Decision No. 34572, dated September 10, 1941, in Application No. 24307; Decision No. 35433, dated June 2, 1942, in Application No. 24961, and No. 24962, and Decision No. 39591, dated November 4, 1946, in Application No. 27864. The last named decision was entered on the application of the Estate of Guy O. Dutton and Ben E. Nordman, partners.

A public hearing on this matter does not appear to be necessary and an order granting the application will be entered. Isabel Dutton Howard and Ben E. Nordman 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.

O R D E R

Application having been made to the Commission as above entitled and the Commission having considered the matter,

IT IS HEREBY ORDERED as follows:

1. Isabel Dutton Howard, Administratrix of the Estate of Guy O. Dutton, after the effective date hereof and on or before March 31, 1950, may transfer an undivided one-half interest in the assets and business of Harbor Transit to Isabel Dutton Howard. Said Isabel Dutton Howard and Ben E. Nordman are authorized

thereafter to conduct the operation of Harbor Transit as a partnership.

2. Applicants 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 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.

4. The authority herein granted will become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27th day of December 1949.

R. F. Intarny
Justice J. Gallen
Edward L. Finell
Rosemary Pottel
Commissioners