

ORIGINAL

Decision No. 44299

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
P. B. HACKLEY, JR., and CHARMIAN R.)	
WARD, doing business as a copartner-)	
ship under the name and style of)	
NAPA BUS LINES, for authority to)	
sell and transfer to W. A. PEPPERS)	Application No. 31377
their operative rights for the)	
transportation of passengers)	
between points in the City of Napa)	
and vicinity.)	

O P I N I O N

The Commission is herein requested to authorize P. B. Hackley, Jr. and Charmian R. Ward to sell to W. A. Peppers and the latter to purchase passenger stage operative rights between Napa and nearby points.

It is stated that the buyer will pay \$500 cash to the sellers for the operative rights. No equipment or other physical properties are involved in the proposed sale. The buyer has been the manager of this operation since its inception in January, 1946. The operative rights were created by Decision No. 38622 and Decision No. 39059, in Application No. 26499.

A financial statement appended to the application indicates that the buyer possesses certain tangible assets of an undepreciated value of approximately \$24,000 of which about \$2,000 is cash. The liabilities are in excess of \$6,600. The buyer has four units of G.M.C. transit type buses which would be used in the operation.

Upon full consideration of this application we find that the public interest will not be adversely affected by approval of the transfer of the operative rights as requested. The

application will, therefore, be granted. In taking this action we are making no finding of the value of the operative rights involved. A public hearing is not necessary.

W. A. Peppers 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 having been filed, the Commission being fully informed therein and good cause appearing,

IT IS ORDERED:

(1) That P. B. Hackley, Jr. and Charmian R. Ward, after the effective date hereof and on or before August 31, 1950, may sell and transfer to W. A. Peppers, the operative rights referred to in the opinion hereof, and the latter may acquire and operate the same.

(2) That within 30 days after completion of the transfer herein authorized W. A. Peppers shall notify the Commission in writing of that fact and within said period shall file with it a true copy of the bill of sale or any other instrument which may be executed by P. B. Hackley, Jr. and Charmian R. Ward to effect the transfer.

(3) Applicants shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing in triplicate and concurrently making effective, appropriate tariffs and time tables within 60 days after the effective date hereof and on not less than five days' notice to the Commission and the public.

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

Dated at Los Angeles, California, this 13th day of June, 1950.

R. E. Anderson
Justin J. Casper
Walter J. Powell
Harold D. Hicks
Genevieve Patten
COMMISSIONERS