

Decision No. 45636

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROBERT MAHER to sell, and HORACE SIMMONS)
to purchase an automotive passenger line)
operated between Fairfield, Solano)
County, California, and TRAVIS AIR FORCE)
BASE, Solano County, California.)

Application No. 32282

O P I N I O N

ORIGINAL

Robert Maher and Horace Simmons are copartners operating under the name of Vaca Valley Lines and engaged in the transportation of passengers between the city of Fairfield and Travis Air Force Base, pursuant to Decision No. 43819, dated February 14, 1950, in Application No. 30880 as amended by Decisions Nos. 44343 and 45122.

In this application Maher proposes to sell and Simmons to purchase the operative rights and equipment used in the business, under an agreement heretofore entered into and a copy of which is attached to the application. The consideration to be paid for the property herein proposed to be transferred is one thousand five hundred dollars (\$1500) the whole of such sum representing the value of the equipment and no consideration representing the value of the operative right. The seller herein proposes to sell and transfer to the buyer his undivided one-half interest in and to said personal property.

Based upon the information set forth hereinabove we find that the proposed transfer is not adverse to the public interest and the application will be granted.

The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be

transferred.

Horace Simmons 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 filed and the Commission having found that the application should be granted,

IT IS ORDERED:

1. That Robert Maher is hereby authorized to sell and transfer to Horace Simmons and said Horace Simmons is authorized to acquire the operative rights referred to in the foregoing opinion and thereafter to operate thereunder.

2. That applicant Horace Simmons shall comply with the provisions of General Order No. 79 and Part 19 of General Order No. 98 by filing in triplicate, and concurrently making effective, appropriate tariffs and timetables within sixty (60) days after the effective date hereof, and on not less than five (5) days' notice to the Commission and the public.

3. That, within thirty days after the consummation of

the transfer herein authorized, applicant Horace Simmons 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 affect said transfer.

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

Dated at San Francisco, California, this 1st day of May, 1951.

R. T. [Signature]
Justice J. Calver
Harold Hule
[Signature]
John L. Mitchell
COMMISSIONERS