

Decision No. 46009**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ALFRED BELLUCCI to sell and)
CHARLES J. HOWARD to purchase an)
automotive passenger line operated) Application No. 32569
between San Rafael, Marin County,)
California, and San Quentin, Marin)
County, California.)

O P I N I O N

In this application, Alfred Bellucci requests authority to sell and transfer to Charles J. Howard, and latter seeks authority to purchase, a passenger stage operative right between San Rafael and San Quentin and intermediate points, acquired by the seller pursuant to Decision No. 42607 in Application No. 30104.

The consideration to be paid for the property proposed to be transferred is the sum of \$500 cash, of which amount \$400 is said to represent the value of the equipment and \$100 represents the value of the operative right.

A statement contained in the application indicates that the net operating revenue for the years 1949 and 1950, respectively, amounts to \$1,862 and \$2,179. It is asserted that there has never been any suspension of the service involved. The present fares would be continued by the purchaser.

Based upon the information contained in the application, we find that the proposed transfer is not adverse to the public interest, and the application will be granted. Such authority shall not be construed to be a finding of value of the property herein authorized to be transferred.

Charles J. Howard 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 as above entitled having been filed and it having been found that the proposal is not adverse to the public interest,

IT IS ORDERED as follows:

(1) That Alfred Bellucci is hereby authorized to sell and transfer on or before September 30, 1951, to Charles J. Howard, and the latter is authorized to acquire, the operative right and equipment referred to in the foregoing opinion, and thereafter to operate thereunder.

(2) That applicants 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 (30) days after the consummation of the transfer herein authorized, Charles J. Howard 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 effect such transfer.

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

Dated at San Francisco, California, this 31st day of July, 1951.

R. B. Anderson
Justin F. Crossen
Harold P. Kiele
Kenneth Potter
John E. Maxwell
 COMMISSIONERS