

ORIGINAL

Decision No. 46769

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Margaret E. Waugh, formerly Margaret)	
E. Wallace, to buy and Charles E.)	
Brockman to sell an automotive)	Application No. 33061
passenger and freight line operated)	
between Bucks Lake and Oroville,)	
California.)	

O P I N I O N

Charles E. Brockman seeks authority to sell and Margaret E. Waugh formerly Margaret E. Wallace seeks authority to purchase an operative right authorizing service between Oroville and Bucks Lake Lodge and intermediate points as a passenger stage corporation (for the transportation of passengers and baggage) and as a highway common carrier, as defined in Sections 226 and 213 of the Public Utilities Code.

The operative right proposed to be transferred was acquired by applicant Brockman pursuant to authority granted by Decision No. 42825, dated May 3, 1949, in Application No. 30194. No consideration is to be paid for the operating rights but applicant Waugh has purchased the Ford panel pickup truck used by Mr. Brockman in this service, and applicant Waugh agreed to pay the legal fees and cost and the transfer fee in connection with the present application.

According to applicants, the transportation of passengers and freight is incidental to the carrying of United States mail between the same points. During the summer months, due to the vacationists at Bucks Lake, the revenue from passengers travel is approximately \$40.00 a month, while the revenue from freight is approximately \$200.00 a month. From October to June and especially during the winter months, the return from both operations is negligible. Applicant Waugh will use one Ford 1/2-ton panel 1950

Model pickup truck in this service if the transfer is authorized.

The Commission has considered applicants' request and has found that the public interest will not be adversely affected by the proposed transfer. Consequently, the application will be granted. A public hearing is not necessary.

Margaret E. Waugh 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 made, and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That Charles E. Brockman may, after the effective date hereof and on or before the first day of May, 1952, sell and transfer and Margaret E. Waugh may purchase and acquire the operative rights to which reference is made in this decision. Such sale and transfer shall be made pursuant to the terms set forth herein.

(2) That, within sixty (60) days after the effective date hereof and on not less than five (5) days' notice to the Commission and the public, Charles E. Brockman shall cancel his tariff, and concurrently therewith Margaret E. Waugh shall file in triplicate, and

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concurrently make effective, tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California, this 19th day of February, 1952.

R. B. Johnson

PRESIDENT

Justice J. Brewer

Harold H. Kule

COMMISSIONERS