

ORIGINAL

Decision No. 46973

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
CHARLES J. HOWARD to sell and CECIL J.)	
ALLEN to purchase an automotive passenger)	
line operated between San Rafael, Marin)	Application No. 33192
County, California, and San Quentin,)	
Marin County, California.)	

O P I N I O N

This is an application by Charles J. Howard and Cecil J. Allen, the former to sell and the latter to purchase, a passenger stage operative right between San Rafael, San Quentin and Point San Quentin and between San Rafael and Bret Harte Village acquired by the seller pursuant to Decision No. 46009, dated July 31, 1951, in Application No. 32569.

The consideration agreed upon to be paid for the property proposed to be transferred is the sum of \$300 of which amount \$250 is said to represent the value of the equipment and \$50 the value of the operative right.

Applicant Howard has been conducting the business continuously since he acquired it by transfer in July of 1951. No changes in rates or fares are proposed. The financial statement of the seller shows the following:

Operating revenue calendar year 1950 - 1951 and to
February 10, 1952

Total receipts (all from passenger revenue)	\$5,649.65
Operating expenses, drivers and other labor	280.00
Other expenses, including gasoline	3,190.12
Net Operating Revenue	\$2,179.53

The item of \$280 for operating expenses does not include driver's wages since applicant Howard does most of the driving.

Upon consideration of the allegations set forth in the application, we find that the proposed transfer is not contrary 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 properties herein authorized to be transferred. A public hearing is not necessary.

Applicant 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 having been filed and considered, the Commission being informed and finding that the proposed transfer should be authorized,

IT IS ORDERED:

(1) That Charles J. Howard is authorized to sell and transfer to Cecil J. Allen the certificate of public convenience and necessity heretofore granted by Decision No. 40957, dated November 25, 1947, and acquired by him in Decision No. 46009, dated July 31, 1951, together with automotive equipment, and said Cecil J. Allen is hereby authorized to purchase and acquire said certificate and equipment and thereafter to conduct the operation authorized by said certificate.

(2) That in the event this authority to transfer is exercised, Cecil J. Allen shall notify the Commission in writing of that fact within ten (10) days after the actual date of such transfer. ✓

(3) That applicant shall comply with the provisions of General Orders Nos. 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 from the date hereof, and on not less than five (5) days' notice to the Commission and the public.

(4) That the authorization herein granted shall expire if not exercised within six months from the effective date hereof.

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

Dated at San Francisco, California, this 8th day of April, 1952.

R. E. D. [Signature]
 PRESIDENT
Justice F. Cramer
Harold A. Huls
[Signature]
[Signature]
 COMMISSIONERS