

Decision No. 46988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application)	
of MYRON BOLSTAD to purchase and)	Application No. 33180
of JEROME LOFGREN to sell highway)	
common carrier certificate.)	

O P I N I O N

In this application the Commission is requested to authorize Jerome Lofgren to sell and Myron Bolstad to purchase a highway common carrier operative right between Chico and Sterling City and intermediate points. No equipment is involved in the proposal.

It is stated that the seller is presently engaged in conducting service between Chico and Sterling City both as a highway common carrier and as a passenger stage corporation. He proposes to sell only the highway common carrier operative right and retain the passenger stage operative right and continue providing service thereunder. The operative rights involved were originally created by Decision No. 5704 in Application No. 4018 and were redescribed and redefined by the Commission recently by Decision No. 46352 in Application No. 32683.⁽¹⁾

The application states that upon approval of the proposal by the Commission, the sale will be consummated and the buyer will pay to the seller the sum of \$5,000 cash.

In justification for the authority sought, it is stated that the seller desires to sell the highway common carrier operative right involved as his passenger stage operations require his full

(1) While Decision No. 46352 granted a new certificate in lieu of the operative rights created by said Decision No. 5704, the order of Decision No. 46352 does not specifically cancel the rights created by Decision No. 5704. The order herein will carry such a cancellation provision.

attention. In addition to his present operations, the seller is engaged in the transportation of school children under contracts and finds it difficult to manage and operate all of those services. It is further asserted that the purchaser during the last year has been employed by the seller as manager of the highway common carrier service herein involved, that he is intimately familiar with all of its details and the needs of the shippers served, and that he is qualified by experience to conduct that operation. He has been engaged in trucking operation since 1945. The financial statement of the buyer attached to the application indicates that he has total assets of \$16,000, of which \$5,300 is cash on hand or in the bank, and no liabilities. The buyer, if authorized to acquire the rights as proposed, intends to continue and improve the service now rendered for which the same rates would be charged.

After full consideration, the Commission finds that the proposal of applicants is not adverse to the public interest and will be authorized. No public hearing appears to be necessary.

Myron Bolstad 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

The Commission having considered the above-entitled matter and being of the opinion that a public hearing thereon is not necessary and that the application should be granted as herein provided,

IT IS ORDERED as follows:

(1) That Jerome Lofgren, after the effective date hereof and on or before June 1, 1952, may sell to Myron Bolstad the highway common carrier operative right created by Decision No. 46352 in Application No. 32683 and the latter may acquire said operative right and hereafter operate thereunder, the sale and transfer to be made in accordance with the terms and conditions as set forth in the application.

(2) That the action taken herein shall not be construed to be a finding of the value of the operative right herein authorized to be transferred.

(3) That, within thirty (30) days after the consummation of the transfer herein authorized, transferee 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.

(4) That applicants shall file in triplicate, and concurrently make 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.

(5) That the operative rights created by Decision No. 5704, dated August 26, 1918, in Application No. 4018, are hereby revoked and annulled.

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

Dated at San Francisco, California, this 14th day of April, 1952.

President
Justin F. Cramer
Harold S. Kula

Russell Patten
John E. Mitchell
Commissioners