

ORIGINALDecision No. 47817

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. A. BARDIN, doing business as)
 GREEN BUS SERVICE, to sell and)
 JOHN TUTSIE to purchase passenger) Application No. 33731
 stage operating rights in the City)
 of San Luis Obispo and vicinity.)

O P I N I O N

By the above-entitled application, J. A. Bardin, doing business as Green Bus Service (hereinafter referred to as seller), requests authority to sell and John Tutsie (hereinafter referred to as purchaser) requests authority to purchase all of the operative rights and equipment now owned and operated by the seller. ⁽¹⁾ The operative rights consist of authority to operate as a passenger stage corporation within the City of San Luis Obispo and vicinity.

According to the sales agreement, attached to the application as Exhibit "A," the purchaser agrees to pay to the seller the sum of \$3,281.36 as full consideration for the operative rights and equipment. Said amount is to be payable on or before two years from the date of the agreement, together with interest at the rate of six per cent per annum payable semiannually on the 10th day of March and the 10th day of August during the life of said agreement.

(1) The operative rights to be transferred are as follows:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
36418	6/8/43	25532
38981	5/14/46	27118
39215	7/9/46	27643
39730	12/16/46	27860
40197	4/22/47	27643

The equipment to be transferred is as follows: Four 21-passenger buses valued at \$2,050; miscellaneous repair and replacement parts, including extra tires, tubes, fare boxes and tickets, valued at \$200.

The purchaser's financial statement, which is attached to the application as Exhibit "C," indicates total assets and net worth in the amount of \$4,310.

In justification for the authority sought, it is alleged that the seller desires to be relieved of the burden and responsibility of managing and conducting said operations any longer; that the operations are not sufficiently remunerative to justify the employment of a competent manager to oversee and conduct said operations; and that the purchaser is an experienced operator of motor coach equipment, having been connected with the Green Bus Service in the City of San Luis Obispo for several years.

The Commission is of the opinion that the transfer of rights and properties, as herein proposed, will not be adverse to the public interest and that the money, property or labor to be procured or paid for through the execution of such agreement is reasonably required for the purposes indicated.

John Tutsie 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; therefore,

IT IS ORDERED:

(1) That, after the effective date hereof and on or before December 1, 1952, J. A. Bardin may sell and transfer to John Tutsie the properties and operative rights hereinabove referred to, pursuant to the agreement set forth as Exhibit "A" which agreement applicants are hereby authorized to execute.

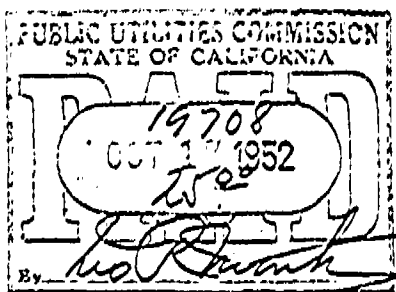
(2) That the action taken herein shall not be construed to be a finding of the value of the rights and properties hereinabove authorized to be transferred.

(3) That, within thirty (30) days after the consummation of the transfer authorized, transferee shall notify the Commission in writing of that fact and, within said period, shall 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, on not less than five (5) days' notice to the Commission and to the public, applicant purchaser shall file in triplicate, and concurrently make effective, appropriate tariffs and timetables.

This order will become effective when applicants have paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.

Dated at San Francisco, California, this 17th day of October, 1952.



Handwritten signatures of President and Commissioners.