

ORIGINALDecision No. 47966

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SIDNEY S. SUTHERLAND to sell and)
 ROSS D. WINANS and PAUL L. BURWELL)
 to purchase a passenger transporta-)
 tion service, as a common carrier,)
 operated between Big Bear Lake,)
 California, and the Big Bear Park)
 Board Bar-Tow and Big Bear Park)
 Board Chair-Lift, in the County of)
 San Bernardino, State of California.)

Application No. 33812

O P I N I O N

By Decision No. 42632 Sidney S. Sutherland was authorized to operate a seasonal passenger stage service, using weasel or crawler type equipment, between the town of Big Bear, on the one hand, and Big Bear Park Board Bar-Tow and Big Bear Park Board Chair-Lift, on the other hand. By this application he seeks authority to sell his operating right and three snow weasels (described in Exhibit "A" filed with the application) to Ross D. Winans and Paul L. Burwell, copartners, for a consideration of \$5,200, payable in cash, of which amount \$3,000 is for the equipment and \$2,200 is for operating right.

The purchasers request authority to acquire said property and right. They will continue to operate the tow service at the present established fares. Said purchasers are experienced in business and are financially responsible, having a net tangible worth of approximately \$45,000 (Exhibit "B", as amended).

The application is not opposed and as the proposed sale does not appear to be adverse to the public interest, it will be authorized. A public hearing is not necessary.

The action taken herein shall not be construed to be a finding of value of the property herein authorized to be transferred.

Ross D. Winans and Paul L. Burwell are 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 made, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That Sidney S. Sutherland may sell, on or before January 31, 1953, and Ross D. Winans and Paul L. Burwell, as copartners, may purchase the operating right and property hereinabove described upon the terms and conditions of the agreement of sale filed with this application.

(2) That applicants shall file in triplicate and con- currently make effective, appropriate tariffs and time schedules, within sixty (60) days from the effective date hereof on not less than one (1) day's notice to the Commission and the public.

(3) That, in the event the authority to sell and purchase is exercised, Ross D. Winans and Paul L. Burwell shall notify the Commission, in writing, of the fact within thirty (30) days after the date of sale.

The effective date of this order shall be the date hereof.

Dated at San Francisco California, this 25 day of November, 1952.

A. J. [Signature]
President
Justice F. [Signature]
Harold P. [Signature]
[Signature]
Robert E. [Signature]
Commissioners