

ORIGINALDecision No. 49324

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
of EDWARD V. SHELLOOE dba YELLOW)
CAB STAGE, to sell and LLOYD C. BOYES,) Application No. 34837
to purchase a passenger and express)
bus service operated between Colusa,)
California, and Williams, California.)

OPINION AND ORDER

The above-entitled applicants, Edward V. Shellooe, dba Yellow Cab Stage, hereinafter referred to as seller, requests authority to sell; and Lloyd C. Boyes, hereinafter referred to as purchaser, requests authority to purchase the operative rights for the transportation of passengers and express between Colusa and Williams, in addition to two pieces of operating equipment and fourteen rolls of tickets. The operative rights were granted by virtue of Decision No. 48510 dated April 21, 1953 in Application No. 34130.

According to the sales agreement attached to the application as Exhibit "C", the purchaser agrees to pay to seller the sum of \$2,700. No value is placed upon the operative rights. A breakdown of the consideration discloses that \$900 is the agreed value of a 1947 seven-passenger Cadillac, \$1,750 for a 1953 Chevrolet four-door sedan and \$50 for fourteen rolls of tickets. The consideration is to be paid upon this Commission's authorization for the transfer of said operative rights and equipment. The purchaser's financial statement attached to the application as "Exhibit "A" reflects a net worth of \$81,013.97.

After consideration the Commission is of the opinion that the transfer of the operative rights and property, as herein proposed, will not be adverse to the public interest. A public hearing does not appear to be necessary.

By Decision No. 48510 dated April 21, 1953 in Case No. 5432 (Petition No. 5) the seller was exempted from the minimum rates in connection with his express traffic and was authorized to publish reduced rates for this service on five days' notice. Similar authority will be granted applicant-purchaser.

Lloyd C. Boyes, 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 the Commission being advised in the premises and being of the opinion that the application should be granted; therefore,

IT IS ORDERED that:

1. After the effective date hereof and on or before March 1, 1954, Edward V. Shellooe may sell and transfer to Lloyd C. Boyes the properties and operative rights hereinabove referred to pursuant to the agreement set forth as Exhibit "C", which agreement applicants are hereby authorized to execute.
2. The action taken herein shall not be construed to be a finding of the value of rights and properties hereinabove authorized to be transferred.
3. Within thirty days after the consummation of the transfer authorized, purchaser shall notify the Commission in writing of that fact and within said period, shall file with this Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect such transfer.

4. Decision No. 31606, in Case No. 4246, as amended, be and it is hereby further amended by deleting from the list of carriers contained in paragraph (c) of Finding No. 14 thereof, the name Edward F. Shellooe, and substituting the name Lloyd C. Boyes. The authority being restricted to shipments each weighing 100 pounds or less transported between Colusa and Williams.
5. Within sixty days after the effective date hereof and on not less than five days' notice to the Commission and to the public, applicants shall file in triplicate and concurrently make effective appropriate tariffs and timetables.

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

Dated at San Francisco, California, this 11th day of November, 1953.

R. J. Dunning
President
Justin J. Calmes
W. E. Potts
H. E. McMill
Gene Rogers
Commissioners