

Decision No. 49649

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ALMA MIDDLETON AKINS, an individual)
 doing business as A. M. AKINS, to)
 sell and HARRY WENDELL to purchase)
 highway common carrier operating)
 rights between Calistoga and Clear)
 Lake Oaks, California, and interme-)
 diate points, and between Lower)
 Lake and Kelseyville and Lakeport,)
 California, and intermediate points.)
 -----)

Application
No. 35000

O P I N I O N

This is an application for an order authorizing Alma Middleton Akins to transfer certain highway common carrier operative rights and properties to Harry Wendell.

Applicant Akins, doing business as A. M. Akins, is engaged in the operation of a highway common carrier service for the transportation of property in Lake County. He reports that he has attained the age of 81 years and desires to retire from the business of operating his highway common carrier service for the reason that he feels it is detrimental to his health. Accordingly, he has made arrangements to sell his operative rights and properties to Harry Wendell for the sum of \$7,000. The properties include operative rights acquired by applicant Akins under authorization granted by the Commission by Decision No. 23910, dated July 24, 1931, and Decision No. 34453, dated July 29, 1941, and two Chevrolet 1½-ton trucks.

The application shows that Harry Wendell is engaged in the garage business at Clear Lake Highlands and that financially he

is in a position to take over and continue the highway common carrier operations. It therefore appears that the proposed transfer will not be adverse to the public interest and should be authorized.

In making our order herein we wish to place applicants 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 as to the number of rights which may be given.

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

O R D E R

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

IT IS HEREBY ORDERED as follows:

1. Alma Middleton Akins, doing business as A. M. Akins, may sell and transfer to Harry Wendell the operative rights and properties referred to in the preceding opinion.

2. Within 60 days after the effective date hereof and on not less than five days' notice to the Commission and to the public, applicants shall supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Alma Middleton Akins has withdrawn or canceled and Harry Wendell has adopted or established as his own said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the filing and construction of tariffs set forth in the Commission's General Order No. 80.

3. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this 9th day of February, 1954.

R. Z. [Signature]
President

Justus F. [Signature]

[Signature]

[Signature]

Gene [Signature]
Commissioners