

ORIGINALDecision No. 51447

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of D. Moyers, dba Moyers Stages,)
for authority to transfer, and)
Baysel Moyers for authority to)
acquire all operative rights and) Application No. 36865
certain properties of a passenger)
stage service operated between)
Fresno, Calwa, Del Ray, Sanger,)
Fresno Air Terminal, Clovis and)
intermediate points.)

O P I N I O N

Applicant D. Moyers, an individual doing business as Moyers Stages, is the holder of a certificate of public convenience and necessity granted to him by the Commission in Decision No. 51168 in Application No. 36416, authorizing the transportation, as a passenger stage corporation, of passengers, baggage, and shipments of express weighing 100 pounds or less between Fresno, Calwa, Del Ray, Sanger, Fresno Air Terminal, Clovis and intermediate points over routes described in said certificate.

In this application, D. Moyers requests authority to transfer and Baysel Moyers seeks to acquire the operative rights described in said Decision No. 51168, and the buses and good will of the business. As proposed, there will be no consideration for the transfer of the operative rights, the buses or good will. Applicant D. Moyers proposes to make available to Baysel Moyers the building, office, shop, shop equipment, parts and supplies of the present business.

Baysel Moyers proposes to continue to operate the business under the firm name and style of "Moyers Stages" and will adopt the present fares, rates, schedules and tariffs of D. Moyers.

Applicant D. Moyers proposes to retire from the business and make a gift of same to his son, applicant Baysel Moyers. The terms of the proposed transfer are set forth in detail in a written agreement, dated April 4, 1955, entered into by applicants.

Applicant Baysel Moyers has been connected with the business since 1932 and has been serving as a general manager since 1947. He appears to have the ability and experience necessary to conduct a passenger stage service. The Commission after consideration of applicant's request is of the opinion and hereby finds that the proposed transfer is not adverse to the public interest. A public hearing is not necessary.

Baysel Moyers 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 as to the number of rights which may be given.

O R D E R

An application having been made to the Commission requesting authority to transfer operative rights, the matter having been considered and the Commission being of the opinion that the transfer under the terms of a written agreement of the parties, dated April 4, 1955, said agreement being "Exhibit D"

to the application filed in this proceeding, is not adverse to the public interest, therefore,

IT IS ORDERED:

1. That D. Moyers may, after the effective date hereof and on or before August 31, 1955, transfer to Baysel Moyers, and the latter may acquire the passenger stage operative right granted by the Commission to D. Moyers in Decision No. 51168 in Application No. 36416, said transfer to be made pursuant to the terms and conditions of the agreement of transfer attached to the application herein, which the parties may execute.

2. That within thirty days after the consummation of the transfer herein authorized the transferee shall notify the Commission in writing of that fact and within said period shall file with the Commission a true copy of any instruments of transfer which may have been executed to effect such transfer.

3. That prior to the consummation of the transfer as herein authorized and prior to providing service pursuant thereto applicants shall supplement or reissue the tariffs on file with the Commission to show that D. Moyers has withdrawn or cancelled and that Baysel Moyers has concurrently adopted or established as his own, said rates, rules and regulations; and that the tariff filings made pursuant to this order shall in all other

respects comply with the rules and regulations governing the construction and filing of passenger tariffs set forth in the Commission's General Order No. 79.

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

Dated at San Francisco, California, this 10th day of May 1955.

John E. Mitchell
President
Justin J. Calmes
Ralph Lutz
William H. ...
Commissioners