

Decision No. 55187**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 M. P. FISCHER, an individual, doing)
 business under the firm name of)
 DOWNIEVILLE STAGE LINES, for authority) Application No. 39041
 to transfer his auto passenger certificate)
 and certain equipment to E. T. Van Nelson)
 under Section 851-853 of the Public)
 Utilities Code.)

O P I N I O N

M. P. Fischer, doing business as Downieville Stage Lines, and E. T. Van Nelson are asking the Commission for an order authorizing Fischer to transfer his passenger stage operating rights to Van Nelson. Fischer was authorized to operate as a passenger stage corporation for the transportation of passengers, baggage and express between Nevada City and Downieville and intermediate points pursuant to Decision No. 13004 dated January 9, 1924, in Application No. 9619.

Fischer presently holds an exemption from observing the minimum rates prescribed by Minimum Rate Tariff No. 2 with respect to his express operation.

The application states that Fischer and Van Nelson have entered into an agreement, dated April 30, 1957, to transfer Fischer's operative rights together with one 1951 bus and miscellaneous operating supplies to Van Nelson. The agreed purchase price is \$8,000. The agreement indicates that the purchase price is to be paid in full at the time of the transfer. The application indicates that \$5,000 of the purchase price is to be paid for Fischer's certificate of public convenience and necessity.

The application states that Van Nelson is desirous of and is able to render the passenger stage operation in question.

Van Nelson proposes to adopt the same rates, rules, and regulations that are presently in force for Fischer.

After full consideration, the Commission is of the opinion, and it so finds, that the transfer of Fischer's operative rights under the terms proposed, and subject to the conditions set forth in the following order, will not be adverse to the public interest and should be authorized. The action taken herein, however, shall not be construed to be a finding of the value of the rights or property authorized to be transferred.

Van Nelson is hereby placed on 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.

No protest to the application has been received and it appears that a public hearing is not necessary.

O R D E R

An application having been filed, and the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

(1) That E. T. Van Nelson is hereby authorized to acquire and M. P. Fischer is authorized to transfer the certificate of public convenience and necessity to operate as a passenger stage corporation for the transportation of passengers, baggage and express transferred to M. P. Fischer by Decision No. 13004 dated January 9, 1924, in Application No. 9619.

(2) That within thirty days after the completion of the transfer authorized in paragraph (1) of this order, E. T. Van Nelson shall notify the Commission in writing of the transfer and shall file, with the Commission true copies of the instruments executed to effect the transfer.

(3) That applicant shall, effective concurrently with the consummation of such transfer, supplement or reissue the tariffs and timetables on file with the Commission naming rates, rules, regulations and schedules governing the common carrier operations here involved to show that M. P. Fischer has withdrawn or canceled and E. T. Van Nelson has adopted or established, as his own, said rates, rules, regulations and schedules.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 7th day of JUNE, 1957.

[Signature]
President
[Signature]
[Signature]
Commissioners