

ORIGINALDecision No. 62798

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MELBA A. HOLT and JOYCE L. HOLT, dba)
 MERRIMAC STAGE, to sell and HEDWIG D.)
 KALA to purchase, the operative rights)
 and certain property of Merrimac Stage)
 and for temporary authority to operate)
 said operative rights.)

Application No. 43813

O P I N I O N

Melba A. Holt and Joyce L. Holt request authority to sell and transfer, and Hedwig D. Kala requests authority to purchase and acquire, certain highway common carrier operative rights and property.

The operating authority was granted by Decision No. 54696 in Application No. 38772 and authorizes the transportation of property as a highway common carrier between Oroville and Elk's Retreat and intermediate points. The property consists of a 1960 Ford pickup truck, tools, postal bond and good will. The parties have agreed to a cash consideration of \$3,000. As of October 4, 1961, applicant purchaser indicated a net worth in the amount of \$21,500.

It is alleged that the operation in question constitutes the only public transportation service between Oroville and Elk's Retreat; that said service is supplemental to a mail contract operation and that the proposed transfer is necessitated by the poor health of Joyce L. Holt.

After consideration the Commission finds and concludes that the proposed transfer would not be adverse to the public interest, and that applicant buyer has the necessary financial ability to continue service. A public hearing is not necessary.

Hedwig D. Kala 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. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled 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

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That on or before December 1, 1961, Melba A. Holt and Joyce L. Holt may sell and transfer, and Hedwig D. Kala may purchase and acquire, the operative rights and property referred to in the application.

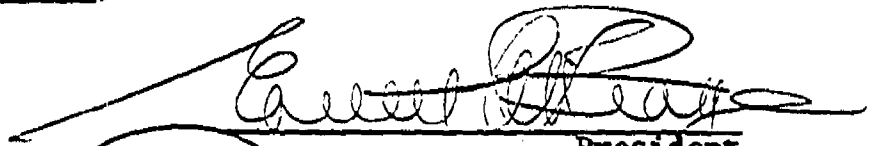
2. That, within thirty days after the consummation of the transfer herein authorized, the purchaser shall notify the Commission, in writing, of the fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. That on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, to show that Melba A. Holt and Joyce L. Holt have withdrawn or canceled, and

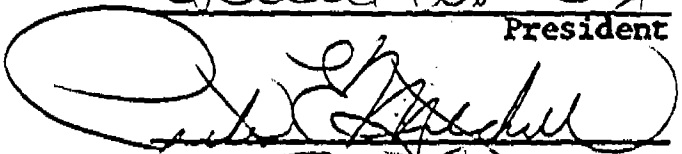
Hedwig D. Kala has adopted or established as her own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

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

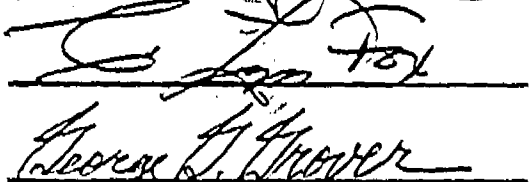
Dated at San Francisco, California, this 14th day of November, 1961.




President



J. L. Lutz



George H. Hoover



Commissioners