

ORIGINAL

Decision No. 63992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DEANE M. KOOPES, an individual, doing business as TAHOE TRANSIT LINES, to sell, and BIRCH A. OBER, an individual, to buy, certificate of public convenience and necessity authorizing the transportation of passengers between points on the South Shore of Lake Tahoe.

Application No. 44597

O P I N I O N

Deane M. Koopes requests authority to sell and transfer and Birch A. Ober requests authority to purchase and acquire certain operative rights and property.

The rights were granted by Decision No. 56897 in Application No. 40059 and authorize the transportation of passengers between Camp Richardson and State Line in the south shore area of Lake Tahoe. Also included in the transfer is a 1959 seven-passenger bus. The agreed cash consideration is \$1,000. A value of \$250 is placed upon the operating authority and good will; the balance represents the value of the bus.

Applicant buyer presently owns and operates a service station on U.S. Highway 50, near State Line. As of December 31, 1961, he indicated a net worth in the amount of \$11,379.04.

It is alleged that applicant seller is under medical care and has been advised to move to an area of lower altitude.

After consideration the Commission finds and concludes that the proposed sale would not be adverse to the public interest. A public hearing is not necessary.

Birch A. Ober 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 having determined that the application should be granted,

IT IS ORDERED that:

1. On or before December 1, 1962, Deane M. Hoopes may sell and transfer, and Birch A. Ober may purchase and acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Birch A. Ober shall notify the Commission, in writing, of that 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. Applicants shall amend or reissue the tariffs and timetables on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved to show that Deane M. Hoopes has withdrawn or canceled, and Birch A. Ober has adopted or established as his own, said rates,

rules and regulations. The tariff and timetable filings shall be made effective not earlier than thirty days after the effective date of this order and on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98.

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

Dated at San Francisco, California, this 24th day of JULY, 1962.

George T. Grover
President

[Signature]

[Signature]

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Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.