

**ORIGINAL**Decision No. 65745

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 CHARLES C. TOWLE, JR., Administrator  
 with the will annexed of the Estate  
 of CHARLES C. TOWLE, Deceased, for  
 the transfer to VIRGINIA BENINI of  
 the certificate of public convenience  
 and necessity and the right to operate  
 a passenger bus stage line in the City  
 of San Bernardino, County of San  
 Bernardino and vicinity.

Application No. 45550

O P I N I O N

Charles C. Towle, Jr., Administrator with the will annexed of the Estate of Charles C. Towle, Deceased, requests authority to sell and Virginia Benini requests authority to purchase certain property and passenger stage operating authority.

The operating authority was granted by Decision No. 40399, dated June 10, 1947, in Application No. 28331 and was amended by Decisions Nos. 40507, 43279, 46214, 48437, 48516, 52774 and 59677. Said rights authorize the transportation of passengers between the City of San Bernardino and its environs, including Highland, Patton and Del Rosa.

In addition to the operating rights the transfer includes 15 buses, 1 pickup truck, office equipment, automotive parts, tools and supplies. The agreed cash consideration is \$45,500. No value was placed upon the operating authority.

Applicant purchaser is a resident of San Bernardino and intends to have her son-in-law manage the operation. As of May 24, 1963, applicant purchaser indicated a net worth in the amount of \$74,700.

The sale was confirmed by the Superior Court of the State of California in and for the County of San Bernardino on May 24,, 1963, subject to the approval of this Commission.

After consideration the Commission hereby finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

Applicant purchaser 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

IT IS ORDERED that:

1. On or before March 1, 1964, Charles C. Towle, Jr., Administrator with the will annexed of the Estate of Charles C. Towle, Deceased, may sell and transfer, and Virginia Benini 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, applicant purchaser 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. Applicant purchaser shall amend or reissue the tariffs and timetables on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that applicant seller has withdrawn or canceled and applicant purchaser has adopted or established, as her own, said rates, rules and regulations. The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order or not less than ten 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.

4. Effective concurrently with the effective date of tariff filings required by ordering paragraph 3 hereof, the certificates of public convenience and necessity granted by the following decisions are revoked:

<u>Decision Number</u>	<u>Date</u>	<u>Application Number</u>
40399	6-10-47	28331
40507	7- 8-47	28331
43279	9- 1-49	30555
46214	9-25-51	32529
48437	3-30-53	34041
48516	4-21-53	34041
52774	3-13-56	37720
59677	2-16-60	41762

and, in place and stead thereof, a certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, is granted to Virginia Benini as more particularly set forth in Appendix A attached hereto and by this reference made a part hereof.

5. In providing service pursuant to the certificate herein granted, Virginia Benini shall comply with and observe the following service regulation:

Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that she will be required, among other things, to file annual reports of her operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 98 and insurance requirements of the Commission's General Order No. 101-A. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 98 and 101-A, may result in a cancellation of the operating authority granted by this decision.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of JULY 4, 1963.

*William W. Bennett*  
President  
*John S. Mitchell*  
*Edward W. Felt*  
*George T. Grover*  
*Frederic B. Hallock*  
Commissioners

## HIGHLAND-PATTON BUS LINES

By the certificate of public convenience and necessity granted in the decision noted in the margin, Virginia Benini doing business as Highland-Patton Bus Lines is authorized to transport passengers by motor vehicle within the City of San Bernardino and between San Bernardino and adjacent areas over the following routes.

Highland-Patton Route

Commencing at the intersection of F Street and Rialto Avenue, in the City of San Bernardino, thence along F Street, 2nd Street, E Street, 4th Street, Mountain View Avenue, Base Line Street, Waterman Avenue, Gilbert Street, Pacific Avenue, Osburn Road, Base Line Road, Palm Avenue, Highland Avenue, and Victoria Avenue to its intersection with Base Line Road.

Also from the intersection of Base Line Road and Central Avenue along Central Avenue and Pacific Avenue to its intersection with Palm Avenue.

Victoria Gardens Route

Commencing at the intersection of Rialto Avenue and F Street, thence along F Street, 2nd Street, E Street, Base Line Street, Waterman Avenue, Olive Street, La Junta Street, Base Line Street, Base Line Road, Del Rosa Avenue, 9th Street, Victoria Avenue, Cypress Street and Lankershim Road to its intersection with 9th Street.

Also along Sterling Avenue between Base Line Road and 9th Street.

Also along Valaria Street between Base Line Road and 9th Street.

Also from the intersection of Cypress Street and Victoria Avenue, thence along Cypress Street and Palm Avenue to its intersection with Base Line Road.

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## HIGHLAND-PATTON BUS LINES

Del Rosa Route

Commencing at the intersection of Rialto Avenue and F Street, thence along F Street, 2nd Street, E Street, Base Line Street, Sterling Avenue, Highland Avenue, Golden Avenue, 39th Street and Del Rosa Avenue to its intersection with Highland Avenue.

Also from the intersection of Alto Drive and Mountain Avenue along Alto Drive, Camellia Drive and Los Flores Drive to its intersection with Del Rosa Avenue.

Restriction

No passengers shall be transported whose points of origin and destination are both along E Street and/or Base Line Street, west of the intersection of Base Line Street and Mountain View Avenue.

End of Appendix A

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