

and Decree of Distribution" entered July 8, 1963, in Book 1582, Page 468, a copy of which is attached to this application as Exhibit A, the said certificate of public convenience and necessity, was distributed to applicant herein, Beatrice K. Metzger, the surviving spouse of Charles H. Metzger.

By this application authority is requested to transfer the said certificate to Beatrice K. Metzger who for fifteen years last past was associated with her husband in said sightseeing business and is qualified by experience to continue said business.

The Commission having considered the matter finds that the proposed transfer would not be adverse to the public interest and therefore the application will be granted. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of the value of the operative rights herein authorized to be transferred.

Beatrice K. Metzger 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 January 31, 1964, Beatrice K. Metzger may acquire the operative rights referred to in the application and, within thirty days after the consummation of the transfer herein authorized, she shall notify the Commission, in writing, of that fact.

2. Applicant 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 Beatrice K. Metzger has adopted or established, as her own, said rates, rules and regulations. The tariff and timetable filings shall be made effective not earlier than five days after the effective date of this order or not less than five 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 the date hereof.

Dated at San Francisco, California, this 27th day of December, 1963.

William L. Bennett
President

Charles W. Rego

George G. Hoover

Frederick B. Holcroft

Commissioners
Commissioner Peter E. Mitchell, being
-3- necessarily absent, did not participate
in the disposition of this proceeding.