

ORIGINAL

Decision No. 67480

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of M & W BUS LINES, INC., a corporation, to sell, and CLYDE O. MUSSACK, dba Santa Ana Bus Service, to purchase, Franchise of M & W Bus Lines, Inc., between Santa Ana and the U. S. Marine Base near El Toro and intermediate points.

Application No. 46696

O P I N I O N

M & W Bus Lines, Inc., requests authority to sell and transfer and Clyde O. Mussack requests authority to purchase and acquire operating authority authorizing the transportation of passengers between the U. S. Marine Base near El Toro and Santa Ana and intermediate points.

The agreed cash consideration is \$200. Clyde O. Mussack proposes to adopt the fares, time schedules, rules and regulations of applicant seller. He proposes to provide service through the use of two 32-passenger buses. As of December 31, 1963 he indicated a net worth in the amount of \$58,294.54.

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

Clyde O. Mussack 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 December 1, 1964, M & W Bus Lines, Inc., may sell and transfer, and Clyde O. Mussack 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, Clyde O. Mussack 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rates, rules and regulations governing the common carrier operations herein to show that M & W Bus Lines, Inc., has withdrawn or canceled, and Clyde O. Mussack has adopted or established, as his own, said rates, rules and regulations.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 on 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.

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

Dated at San Francisco, California, this 7th day of JULY, 1964.

Frederic B. Holcomb
President
George A. Haver
George A. Haver

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.