

ORIGINALDecision No. 68430

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 HOWARD W. KELLER, dba CHICO-PARADISE-
 STIRLING CITY STAGE LINES, to sell,
 and BILLY JOE RAINWATER and KAYWOOD
 MONTGOMERY RAINWATER, copartners,
 to purchase an automotive passenger
 and express line operated between
 Chico and Paradise and intermediate
 points.

Application No. 47116
 (Filed November 16, 1964)
 (Amended November 23, 1964)

O P I N I O N

Howard W. Keller, doing business as Chico-Paradise-Stirling City Stage Lines, requests authority to sell and transfer, and Billy Joe Rainwater and Kaywood Montgomery Rainwater request authority to purchase and acquire, certain property and operating authority as a passenger stage corporation.

The operating authority was granted by Decision No. 61500 dated February 14, 1961, in Application No. 43012 and authorizes service between Chico and Paradise and intermediate points. The property consists of tickets, stationery, freight bill forms, a 1958 GMC, sixteen-passenger bus and good will. The cash consideration is \$3,000. As of October 31, 1964, applicant buyers indicated a net worth in the amount of \$31,560.

Because the route description is rather vague due to the fact that all of the county roads now bear names, the operating authority will be restated in the form of a new certificate.

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

Billy Joe Rainwater and Kaywood Montgomery Rainwater are 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 July 1, 1965, Howard W. Keller (seller) may sell and transfer, and Billy Joe Rainwater and Kaywood Montgomery Rainwater (purchasers) 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, purchasers 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 seller has withdrawn or canceled, and purchasers have adopted or established, as their 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.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchasers shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

5. Concurrent with the tariff filings in compliance with ordering paragraph 3 hereof, the operating authority granted by Decision No. 61500 is hereby revoked and in its place and stead a certificate of public convenience and necessity is hereby granted to Billy Joe Rainwater and Kaywood Montgomery Rainwater, authorizing operations as a passenger stage corporation as defined in Section 226 of the Public Utilities Code,

between the points and over the routes as set forth in Appendix A attached hereto and made a part hereof.

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

Dated at San Francisco, California, this 5th day of JANUARY, 1965.

Frederick B. Hallock
President
George H. Hoover
William W. Bennett
Commissioners

Appendix A

BILLY JOE RAINWATER and
KAYWOOD MONTGOMERY RAINWATER
(doing business as CHICO-
PARADISE STAGE LINE)

Original Page 1

Billy Joe Rainwater and Kaywood Montgomery Rainwater, doing business as Chico-Paradise Stage Line, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to transport passengers, baggage and shipments of express not in excess of 100 lbs. each, on passenger-carrying vehicles only between Chico and Paradise and intermediate points over the following route:

Beginning at the Greyhound Depot on Wall Street between West Seventh Street and West Eighth Street, in Chico, proceeding West on West Seventh Street to Main Street, North on Main Street to West Fourth Street to a bus stop at the North East corner of West Fourth Street and Main Street (to pick up and discharge through passengers), North on Main Street to East Third Street, West on East Third Street to Broadway, South on Broadway to Oroville Avenue, Southeasterly on Oroville Avenue to Park Avenue, South on Park Avenue to Skyway (formerly Highway 99E), East on Skyway over Skyway Overpass, thence Southeasterly on Skyway to depot of applicants at 6231 Skyway in Paradise, a distance of approximately fifteen miles, with the right to pick up passengers at the Greyhound Depot on Pearson, the Adventist School on Pearson and the Catholic School on Elliott Road, all in Paradise, returning to point of beginning over the same route in reverse thereof.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 68430, Application No. 47116.