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Decision No. 12160

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
D. MOYERS for permission to transfer
his operative rights to operate a
stage between San Joaquin and the City
of Fresno to E. J. THOMPSON.

)
: Application No. 9061
)

BY THE COMMISSION,

ORDER

D. Moyers and E. J. Thompson have filed a joint application with the Railroad Commission in which they apply for an order authorizing Moyer to sell and Thompson to purchase and operate a certain automobile stage line as more specifically hereinafter set out.

The operative right herein proposed to be transferred was obtained by D. Moyers under Decision No. 6610 in Application No. 4489, dated August 29, 1919, and authorizes the operation of an automotive stage line as a common carrier of passengers, baggage and packages between Fresno and San Joaquin and intermediate points. The Order further provides that service between Tranquillity and San Joaquin may be discontinued when roads are impassible due to weather conditions.

In the agreement of sale entered into verbally between applicants herein, both of whom are engaged in the operation of automotive passenger stage service out of Fresno, it is proposed that Moyers transfer to Thompson the operative right hereinabove mentioned and that Moyers further agrees not to transport passengers locally in connection with his Fresno-Los Banos stage between Fresno and Jamieson Corner, unless such

passengers which originate south of Jamieson Corner are destined to points north thereof or those terminating south of Jamieson Corner originate at points north thereof. In connection with the granting of the present application, a supplemental order will be issued in the proceeding under which Moyers secured a certificate Fresno to Los Banos, which supplemental order will prohibit the transportation of passengers locally between the points hereinabove mentioned.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is granted, subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred may never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.
2. Applicant Moyers shall immediately cancel tariff of rates and time schedules now on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51 of the Railroad Commission.
3. Applicant Thompson shall immediately file, in duplicate, tariff of rates and time schedules, or adopt as his own the tariff of rates and time schedules as filed by applicant Moyers covering service, certificate for which is herein authorized to be transferred. All tariff of rates and time schedules to be identical with those as filed by applicant Moyers.
4. The rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
5. No vehicle may be operated by applicant Thompson unless such vehicle is owned by said applicant or

is leased by said applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 1st day
of June, 1923.

Oliver

David Martin

Whitney
Commissioners