

ORIGINAL

Decision No. 12307.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 R. D. BROWN to sell and M. C. LANGSTAFF)
 to purchase an automobile passenger : Application No. 9162
 and freight line operated between Auburn)
 and Forest Hill, California.

BY THE COMMISSION,

ORDER

M. C. Langstaff and R. D. Brown have filed a joint application with the Railroad Commission in which they petition for an order authorizing Brown to sell and Langstaff to purchase and operate a certain automobile stage line.

The operative right herein proposes to be transferred was originally established by one F. A. Rapley under the provisions of Section 5 of Chapter 213, Statutes of 1917, due to operation in good faith prior to May 1st, 1917, and continuously to date of transfer to R. D. Brown, which transfer was authorized under Decision No. 10133 in Application No. 7420, dated February 27, 1922. The operative right authorizes operation of an automobile stage line as a common carrier of passengers and freight between Auburn and Forest Hill and intermediate points, California.

The consideration as stated in the application is the sum of \$8,000.00, and includes in addition to the operative right one Buick, 6-cylinder 5 passenger automobile, one three-quarter ton White truck and one 1-ton G M C truck.

Applicant Brown gives as his reason for transferring the property in question the fact that his health does not permit him to continue an active supervision and operation of the service

in question; that the proposed purchaser already engaged in the operation of automotive stage service in the same territory is experienced in the transportation service and financially able to render an adequate and efficient service to points served by the line herein sought to be transferred.

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 shall 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 Brown 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 Commission.

3. Applicant Langstaff shall immediately file, in duplicate, tariff of rates and time schedules covering service, certificate for which is herein authorized to be transferred, or adopt as his own the tariff of rates and time schedules as filed by applicant Brown for such service. All tariff of rates and time schedules to be identical with those as filed by applicant Brown.

4. The rights and privileges herein authorized to be transferred shall 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 Langstaff 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 3rd
day of July, 1923.

C. H. Sawyer

H. K. B. Ludwig

Egerton Shore

J. P. Whittier
Commissioners