

McS

Decision No. 17428

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

ORIGINAL

In the Matter of the Application of the HUNTINGTON LAKE HOTEL COMPANY, a corporation, for the approval of a lease of its operative right to carry freight by automobile stage between Cascada and Huntington Lake points, Fresno County, to Harry M. Allen, Inc., a corporation.

)  
:  
) Application No. 9242  
:  
)

BY THE COMMISSION,

ORDER

The Huntington Lake Hotel Company, a corporation, and Harry M. Allen, Inc., a corporation, have filed a joint application with the Railroad Commission in which they petition for an order approving a certain lease of operative right heretofore entered into between the parties above named.

The Huntington Lake Hotel Company has secured through transfer from the co-partnership under Decision No. 6773 in Application No. 5021 a certificate authorizing the operation of automotive stage service between Fresno and Huntington Lake and by Decision No. 8463 in Application No. 6378 secured an extension of such operative right from Huntington Lake Lodge to the upper end of the lake serving certain intermediate points as more specifically set out in said Decision.

The proposed lease is for a period embracing the season of 1923 and provides for monthly consideration of \$50.00 to be paid by the lessee to the lessor during the term of the agreement.

1.

The lease, however, further provides that only the freight operation is to be let, the present owner of the certificate to retain the right to operate passenger stage service. This Commission has repeatedly held in applications to transfer or lease that when an individual or corporation holds a single certificate of public convenience and necessity two separate and distinct operations cannot be created through transfer or lease of a portion of such operative right. Under such circumstances the present application must be denied.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 2<sup>d</sup> day of August, 1923.

C. Deaver  
H. V. Brown  
Josiah M. Curtis  
Egerton Shore  
J  
Commissioners