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Decision No. 12445

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of S. S. SUMMERS & SON for permission to sell and J. D. WEAST to purchase a certain automobile stage line operated between Burney and Cayton and intermediate points, California.

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Application No. 9235
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BY THE COMMISSION,

ORDER

S. S. Summers and Dan Summers doing business under the name of S. S. Summers & Son have filed a joint application with J. D. Weast in which they petition for an order authorizing Summers & Son to sell and Weast to acquire and operate a certain automotive stage line now operated between Burney and Cayton and intermediate points, California.

The operative right herein proposed to be transferred was obtained by Summers & Son under the provisions of Decision No. 11729 in Application No. 8714, dated February 27, 1923, and authorizes the operation of an automotive stage line as a common carrier of passengers and freight between Burney and Cayton and intermediate points including Pitt 3 of the Mt. Shasta Power Corporation.

Applicant Weast, the proposed purchaser, holds a certificate of public convenience and necessity authorizing the operation of automotive passenger and freight service between Redding and Bieber and intermediate points on such line.

The Mt. Shasta Power Corporation has been engaged in extensive development work in this territory and has recently completed construction work at Pitt 1 and 2. Service between Pitt 1 and 2 was heretofore conducted by applicant Weast who has a large amount of equipment suitable to care for transportation requirements of this nature. Work has now been commenced on Pitt 3 near Cayton and it is the purpose of applicant Weast in acquiring this certificate to care for the heavy traffic which will develop between Redding and Pitt 3 in connection with such construction work.

The application herein further requests in addition to the transfer, that should such transfer be authorized by the Commission, that applicant Weast be further authorized to operate a through service between Redding and Pitt 3 via Burney, rates to be charged for such service to be identical with the rates now charged by Weast between Redding and Burney and the rates now charged by Summers & Son between Burney and Pitt 3.

The consideration involved in the proposed transfer is given as the sum of \$1,250.00. While no equipment is proposed to be transferred the application sets out that the consideration in question is to be paid to reimburse Summers & Son for expenses which they incurred in acquiring an operative right together with equipment in preparation for the handling of passengers and freight traffic under said certificate.

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 application to transfer be, and the same hereby is granted.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation

by J. D. Weast of an automotive stage line as a common carrier of freight between Redding, Cayton and intermediate points including Pitt 3, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted provided that said certificate is in conjunction with and not in addition to the operative right now held by said J. D. Weast between Redding and Bieber and Burney and Cayton, but is solely for the purpose of authorizing the operation of through passenger and freight service between the points mentioned in said declaration.

IT IS HEREBY ORDERED that applicant shall file his written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof; shall file within a period of not to exceed thirty (30) days from date hereof, in duplicate, tariff of rates and time schedules covering through service, which tariff of rates and time schedules shall be identical with the tariff of rates and time schedules at present on file in the name of J. D. Weast between Redding and Burney and in the name of Summers & Son between Burney, Pitt 3 and Cayton; said Summers & Son to file within a period of not to exceed thirty (30) days from date hereof cancellation of all tariff of rates and time schedules at present on file in their name; and operation of the service herein authorized to commence within a period of not to exceed forty (40) days from date hereof.

The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.

The rights and privileges herein granted and 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.

No vehicle may be operated by applicant Weast unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this
2nd day of August, 1923.

C. L. Leavy

James Martin
Everett Shore

W. H. Whitting
Commissioners