

Application No. 8833 is a joint petition filed by A. J. Mason and F. W. A. Cording for an order authorizing Mason to sell and Cording to purchase a one-half interest in an automobile stage line operating between Monterey and Pacific Grove, established under Decisions Nos. 10045, 10081 and 10562, dated February 2nd, February 15th and June 8, 1922, respectively.

At the hearing upon this proceeding applicant Mason moved for dismissal, which was objected to by applicant Cording, the proposed purchaser. In view of the fact that an order of the Railroad Commission authorizing the transfer of an operative right or an interest therein is merely permissive and not mandatory the motion of applicant Mason that the application be dismissed must be granted. If Cording, the proposed purchaser, should be injured through the failure of Mason to carry out an agreement to transfer one-half interest in his automobile stage line, his remedy, of course is through appropriate action in the civil courts. Application 8833 will accordingly be dismissed.

Application No. 9085 is a petition of A. J. Mason, doing business under the fictitious name of Bay Rapid Transit Company, for an order authorizing him to abandon passenger service between Alvarado and Pearl Street to Seventh Street and the county road, all in the city of Monterey; and also to reduce his rate from Monterey to Pacific^{Grove} from 10¢ to 5¢ for a one-way trip.

Evidence was submitted with reference to the abandonment of service, to the effect that the section proposed to be abandoned was over exceedingly rough roads, involving a very high up-keep cost; that the people of the territory in question will receive service from a local bus line operating locally within the incorporate limits of the city of Monterey which charges a 5¢ fare. This will

accord local traffic a 5¢ fare instead of the 10¢ rate now charged by the Bay Rapid Transit Company for any portion of a ride over its system. Applicant believes that by eliminating this portion of his operation he can afford to reduce his present rate from Monterey to Pacific Grove to 5¢, thereby developing considerable additional business and affording to the traveling public between such points an improved service at reduced rates. We are of the opinion that the evidence warrants the granting of the above numbered application and the Order will so provide.

The complaint, Case No. 1917, brought by F. W. A. Cording against the Bay Rapid Transit Company, alleged that defendant in this proceeding was a co-partnership consisting of A. J. Mason and one W. E. Spoon, and that the operative right has been transferred without authorization of the Railroad Commission and in violation of the provisions of Section 5, Chapter 213, Statutes of 1917, and amendments thereto, and praying that the Railroad Commission revoke said operative right and direct that the service carried on by the Bay Rapid Transit Company be discontinued.

While at the hearing there was discussion to the effect that certain agreements with reference to the purchase of equipment had not been complied with, also with reference to the operation of equipment under the certificate hereunder attacked, there was insufficient evidence to show such actual violation of the rules and regulations of the Commission which would justify the revocation of this operative right. The complaint will accordingly be dismissed.

ORDER

A public hearing having been held in the above entitled matters, evidence submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that Application No. 8833 and Case No. 1917 be, and they hereby are dismissed.

IT IS HEREBY FURTHER ORDERED that A. J. Mason, doing business under the fictitious name of Bay Rapid Transit Company, be, and he hereby is, permitted to abandon that portion of his automotive stage service at the present time being operated between the termini of Alvarado and Pearl Streets and 7th Street and County Road, Monterey, California, and

IT IS HEREBY FURTHER ORDERED that said A. J. Mason, doing business under the fictitious name of Bay Rapid Transit Company, be, and he hereby is, directed to file within a period of not to exceed fifteen (15) days from date hereof, revised schedule of rates establishing a one-way fare of 5¢ between Monterey and Pacific Grove or any portion of the trip between such termini, said rate of 5¢ to become effective five (5) days after the filing of such tariff.

Dated at San Francisco, California, this 24th day of September, 1923.

O. Seaver

James Martin
Ernest Shore

J. C. Whitting
Commissioners