

McS

Decision No. 12750

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF ARIZONA

-000-

In the Matter of the Application of)
 C. T. COOLEY to sell and of MOTOR)
 TRANSIT COMPANY to purchase and) : Application No. 9152
 exercise certain automobile stage line)
 operating rights.)

BY THE COMMISSION,

ORDER

C. T. Cooley has filed a joint application with the Motor Transit Company, a corporation, in which they apply for an order authorizing Cooley to sell and the Motor Transit Company to purchase and operate a certain automobile stage line at the present time being operated by applicant Cooley between Taft and Maricopa and intermediate points, California.

The operative right herein proposed to be transferred was originally obtained by C.T. Cooley and F. R. Cooley through operation in good faith prior to May 1st, 1917. Under Decision No. 9519 in Application No. 7171, dated September 15, 1921, F. R. Cooley was authorized to transfer his interest in the stage line to C. T. Cooley. This operative right authorizes operation of stage service as a common carrier of passengers, baggage and express between Taft and Maricopa serving Standard as an intermediate point.

The agreement of sale entered into between parties applicant herein provides for a consideration of \$2,500.00 which in addition to the operative right includes one Cadillac automobile stage together with equipment, tools, tires and accessories.

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 with the distinct understanding that in authorizing the transfer of the operative right from Cooley to the Motor Transit Company, the Commission in no way authorizes the Motor Transit Company, in acquiring said operative right to operate the same in conjunction with its existing authorized stage operations, and

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 Cooley shall immediately cancel tariff of rates and time schedules 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.

3. Applicant Motor Transit Company shall immediately file, in duplicate, tariff of rates and time schedules covering service, certificate for which is herein authorized to be transferred to it, or adopt as its own the tariff of rates and time schedules as heretofore filed by applicant Cooley covering such service. All tariff of rates to be identical with those as filed by applicant Cooley.

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 Motor Transit Company unless such vehicle is owned by

such company or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 25th day of October, 1923.

W. A. Seaver
H. B. Brundage

Garton Shore
J. M. Whittington
Commissioners