

Decision No. 12786

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
THOS. B. RILEY to sell and F. F. NELLIST)
and D. C. NELLIST, doing business under :
the firm name and style of NELLIST BROS.)
to purchase an automobile passenger) Application No. 9483
line operated between Eureka and Korbek,
California and Eureka and Arcata, Calif- :
ornia.)

BY THE COMMISSION,

ORDER

F. F. Nellist and D. C. Nellist, co-partners doing business under the firm name and style of Nellist Bros. have filed a joint application with Thos. B. Riley in which they petition for an order authorizing Riley to sell and Nellist Bros. to purchase and operate certain automobile stage line.

The operative right herein proposed to be transferred is one obtained by Thos. B. Riley under Decision No. 12426 in Application No. 9206, dated August 2nd, 1923, which decision authorizes the operation of automotive stage service as a common carrier of passengers and express between Eureka and Korbek, serving as intermediate points Freshwater, Indianola, Bayside, Arcata, Alliance, Essex, Glendale and Blue Lake. The other operative right proposed to be transferred is one obtained by Thos. B. Riley under Decision No. 7296 in Application No. 4142, dated March 22, 1920. This decision authorizes operation of automotive passenger stage service between Eureka and Arcata and intermediate points via the new State Highway, which when completed will be some four miles shorter than the present route via Freshwater and Bayside. It appears, however,

that while Mr. Riley secured the certificate over the proposed new State Highway in March, 1920, up to the present time no service has been rendered over such route and in view of the fact that although the conditions contained in said certificate did not provide a specific time within which operation should be commenced as no operation has ever been rendered thereunder, the Commission cannot authorize the transfer of said operative right. The order herein will provide for the transfer of the right operated by applicant Riley between Eureka and Korbek only.

The consideration proposed to be paid is given in the application as the sum of \$15,000.00 and includes one 20-passenger Packard automobile and one 14-passenger Packard automobile stage.

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 as hereinabove provided, 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 Thos. B. Riley shall immediately cancel tariff of rates and time schedules on file with the Commission covering service, certificate for which hereby authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51.
3. Applicant Nellist Bros. shall immediately file, in duplicate, or adopt as their own the tariff of rates and time schedules on file with the Railroad Commission covering the service, certificate for which is herein authorized to be transferred. All tariff of rates and time schedules to be identical with those filed by applicant Riley for said service.
4. The rights and privileges herein authorized to be transferred may 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 Nellist Bros. unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the application to transfer the operative rights secured by Thomas. B. Riley under Decision No. 7296 be, and the same hereby is denied.

Dated at San Francisco, California, this 5th day of November, 1923.

C. H. Jones
H. A. Brundage
E. A. Jones
J. T. Whitney
Commissioners