

McS

Decision No. 13281.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the Matter of the Application of)
 CHAS. A. HARE, to sell and PICKWICK)
 STAGES, NORTHERN DIVISION, a corpora- :
 tion, to purchase that certain opera-)
 tive right between Bakersfield and)
 Taft and Pismo Beach, California, Application No. 9795 :
 and intermediate points, via Lost Hills :
 and Paso Robles, California.)

BY THE COMMISSION,

ORDER

Chas. A. Hare and Pickwick Stages, Northern Division, a corporation, have filed a joint application with the Railroad Commission in which they petition for an order approving a certain lease agreement with option to purchase.

The lease agreement entered into between the two applicants herein provides that applicant Hare shall lease to the corporation a certain certificate of public convenience and necessity together with two Big Six Studebaker automobile stages, together with equipment, personal property, etc., used and useful in the stage business for the sum of \$16,900.00 payable as follows: The sum of \$1,500.00 within twenty days after the approval of the agreement; the sum of \$3,500.00 in installments of \$250.00 each on the first of each and every month thereafter, together with the delivery to lessor of \$3,700.00 par value of common capital stock and \$3,800.00 par value of preferred capital stock of the Pickwick Corporation, the latter to also assume an unpaid balance of \$4,400.00 on a note of applicant Hare now outstanding. The agreement

further provides that at the termination of the lease the Pickwick Stages, Northern Division, a corporation, shall have the option to purchase the property for the additional sum of \$1.00.

The operative rights involved in the agreement are those obtained by applicant Hare under Decision No. 9913 in Application No. 7388, dated December 23, 1921, which decision authorized Greer to transfer to Hare certain operative rights covering the operation of automotive stage service between the City of Sakersfield and Taft and Pismo Beach and certain intermediate points via Lost Hills and Paso Robles.

The Pickwick Stages, Northern Division, a corporation, is extensively engaged in operation of stages in the State of California. If this transfer is authorized it appears that they will be in a far better position financially to improve the service than if it remained in the hands of the present owner.

We are, accordingly, 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 the consideration as set forth in the agreement accompanying the application is in no way binding upon this Commission for rate fixing or any purposes other than the instant proceeding.

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 Hare 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 Pickwick Stages, Northern Division, a corporation, shall immediately file, in duplicate, tariff of rates and time schedules or adopt as its own the tariff of rates and time schedules as filed by applicant Hare for said service. All tariff of rates and time schedules to be identical with those filed by applicant Hare.

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 Pickwick Stages, Northern Division, a corporation, unless such vehicle is owned by said corporation or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 12th day of March, 1924.

W. L. Seaver
W. H. B. ...
James Martin

Commissioners