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Decision No. 13782

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
D. MOYER for authority to sell and)
JOSEPH MILLER to buy the automobile)
stage line between Fresno and Tracy)
via Los Banos and intermediate)Application No. 9820
points, and the line between Los Banos)
and Merced, State of California.)
)

BY THE COMMISSION,

ORDER

D. Moyer and Joseph Miller have filed a joint application with the Railroad Commission in which they petition for an order authorizing Moyer to sell and Miller to purchase and thereafter operate certain automotive passenger stage service as hereinafter more specifically set forth.

Under Decision No. 7249 in Application No. 4956 the Railroad Commission granted to the co-partnership of Allen and Moyer the right to operate passenger stage service between Los Banos and Dos Palos; under Decision No. 8017 in Application No. 4673 passenger stage service between Dos Palos and Firebaugh, and under Decision No. 8017 in Application No. 4571 the right to operate passenger stage service between Firebaugh and Fresno. Decision No. 8429 in Application No. 6253 authorized Allen to transfer all of the above operative rights to his partner D. Moyer. Under Decision No. 8018 in Application No. 5323 D. Moyer was granted a certificate to operate passenger and baggage service between Los Banos and Tracy, California. The

operative rights from Los Banos and Dos Palos and from Dos Palos to Firebaugh and from Firebaugh to Fresno include the right to transport in addition to passengers, baggage and express. The operative right, however, from Los Banos to Firebaugh does not include express privileges. Under Decision No. 9970 in Application No. 7216 D. Moyer was granted a certificate authorizing operation of passenger, baggage and express service between Los Banos and Merced and intermediate points. Under Decision No. 12163 in Application No. 4571, the Railroad Commission issued a Supplemental Order in accordance with stipulation entered into by D. Moyer in which his right to transport passengers locally between Fresno and Jamieson Corner was revoked, which is one of the certificates proposed to be transferred to Joseph Miller under the present application.

The agreement attached as Exhibit "A" to the application herein provides a consideration of \$35,000.00, which includes in addition to the operative right five 14-passenger Cadillac and one 18-passenger Garford stages together with all shop equipment, accessories, office fixtures, etc. Of this amount \$500.00 was paid upon execution of the agreement, \$9,500 is to be paid when the transfer is authorized by the Railroad Commission and the balance of \$25,000.00 to be paid in two installments of \$12,500.00 each, one within one year, the balance within two years after the transfer is authorized.

Applicant Miller has been engaged for years past in the operation of stages in the San Joaquin Valley, is experienced in this method of transportation service and will be able to render an efficient and satisfactory service.

It must be pointed out, however, that in authorizing the transfer of the certificates as herein applied for, the Commission in no way authorizes said Joseph Miller to consolidate said certificates to provide through operation until application to

consolidate such certificates has been made and approved in accordance with the Railroad Commission's ruling in the Western Motor Transport Case.

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 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 D. Moyer shall immediately cancel tariff of rates and time schedules on file with the Commission covering operation of service, certificates for which are herein authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51.
3. Applicant Miller shall immediately file, in duplicate, in his own name tariff of rates and time schedules or adopt as his own the tariff of rates and time schedules heretofore filed by applicant Moyer covering service, certificates for which are herein authorized to be transferred. All tariff of rates and time schedules to be identical with those as filed by applicant Moyer 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 Miller unless such vehicle is owned by said applicant

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

Dated at San Francisco, California, this 19th
day of March, 1924.

C. A. Harvey
H. D. B. Bunting
Erving Martini

Commissioners