

MM

Decision No. 13502

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application)
of J. S. NICKOLS for a certificate)
of public convenience and necessity)
to operate an automobile passenger)
stage line between Watsonville and)
Hollister, via Aromas and San Juan.)

Application No. 10,014.

BY THE COMMISSION.

O R D E R

J. S. NICKOLS is applying in this proceeding for a certificate of convenience and necessity under which to operate an automobile stage line for the transportation of passengers between Watsonville and Hollister, via Aromas,

Chittenden and San Juan. In effect, the application is to legalize, through the granting of a certificate of convenience and necessity, the operations of Nickols, who has been operating a stage line in the territory covered by this application in the belief that a certificate hereto fore issued by this Commission to one Mathen, a partner, gave him the right so to do.

The Commission's records show that the Commission in its order in Application Number 3117, dated October 19, 1917, granted a certificate to operate a passenger and express package auto transportation line between Watsonville and Hollister, serving according to the tariff of rates and

schedules filed with the application, the communities at Aromas, Chittenden and San Juan. It was required in the Order that Matheu file with the Commission, in accordance with the law as it read at that time, permits from the Boards of Supervisors of the counties of San Benito and Santa Cruz and the governing officials of the City of Watsonville and the town of San Juan and Hollister. Matheu met all requirements as shown by a supplemental order issued by the Commission in its Decision Number 5490, which recites that the required permits had been filed. In none of the proceedings before the Commission did Nickols appear. It now appears that Nickols was a partner of Matheu, continuing as such until December 31, 1918, when the partnership was dissolved, Matheu retiring, as indicated by documents on file with the Commission showing that Matheu had with the consent of the governing bodies, transferred to Nickols all his interest and rights in the permits previously granted to Matheu and Nickols by the Supervisors of Santa Cruz and San Benito and the proper officials of the City of Watsonville and the Towns of San Juan and Hollister. Uninformed as to the necessity of securing from this Commission a transfer to him of the operating right granted to Matheu, Nickols continued the operation of the stage line, making such tariff filings as were required from time to time and using the fictitious name of Red Star Auto Stage Line.

Application by Nickols to transfer all his right, title and interest in the Red Star Auto Stage Line to the Auto Transit Company, as shown in Application Number 9907, revealed the defect in the ownership of the certificate claimed by Nickols and under which he has been operating continuously for a number of years and in compliance with all of the regulations of the Commission. To remedy this defect the instant proceeding has been instituted, a transfer, Matheu to

Nickols being impossible because of the death of Mathen some years ago.

Under the circumstances and in view of the further fact that the operation of the Red Star Auto Stage Line by Nickols has at all times been efficiently conducted, the matter of failure to secure a transfer of the operating right from Mathen being due entirely to a misunderstanding of what was required, we are of the opinion that this application should be granted without a public hearing.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of an automotive stage line as a common carrier of passengers and express packages between Watsonville and Hollister, via Aromas, Chittenden and San Juan and that a certificate of public convenience and necessity therefore be and the same is granted subject to the following conditions.

1.-That applicant, J. S. Nickols, shall file, within ten (10) days from date hereof, his written acceptance of the certificate herein granted; and shall immediately file in duplicate an adoption of the tariff of rates and time schedules heretofore filed with the Railroad Commission under the name of Red Star Auto Stage Line, said adoption to be in accordance with General Order No. 51 of the Railroad Commission.

2.-The rights and privileges herein authorized 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.

3.-No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

P. S. Seaver

Josiah Martin
Edwin Shore

J. J. Whitbey