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Decision No. 13957

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
 W. W. MONK and H. J. ELKINS, co-part-)
 ners, for authority to sell and trans- :
 fer to LOUIS KLEIN, J. F. MALONY and)
 GEORGE H. GILSON, co-partners, their)Application No. 10377
 operative rights and privileges in :
 automobile passenger line operating :
 between San Jose, Campbell and Los)
 Gatos and intermediate points.)

BY THE COMMISSION,

O R D E R

In this proceeding W.W.Monk and H. J. Elkins ask the Commission for an order approving the transfer by them of an operative right under which they have been conducting an auto stage service for the transportation of passengers between San Jose and Los Gatos and intermediate points to a co-partnership consisting of Louis Klein, J. F. Malony and George H. Gilson. The purchasers join in the application.

The consideration is given as \$19,000.00. Of this amount \$3,000.00 is named as the value of the operative right and \$16,000 as the value of the equipment to be purchased from Monk & Elkins. The equipment includes five passenger busses and a quantity of spare auto parts, tools, oil, etc.

Under the terms of the co-partnership agreement between Klein, Malony & Gilson Klein will own a one-half interest and Malony and Gilson a one-quarter interest each in the property sought to be transferred.

The operative right in question was originally established by Curtis Bros., a co-partnership, who operated between Los Gatos and San Jose prior to May 1, 1917 and up to the time of the transfer of their operating right to a co-partnership consisting of Monk, Cavitt & Elkins. This transfer was approved by the Commission in Application No. 5854. Subsequently, with the approval of the Commission, granted in Application No. 6213, Cavitt transferred his interest to his partners, Monk & Elkins, the present holders of the operating right.

We believe that this application should be granted and that it is not a matter requiring a public hearing.

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 transferred may not 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. Applicants Monk and Elkins shall immediately cancel tariff of rates and time schedules on file with this Commission covering service, certificate for which is authorized transferred herein. Such cancellation to be in accordance with the provisions of General Order No. 51.

3. Applicants Klein, Malony and Gilson shall immediately file, in duplicate, tariff of rates and time schedules or adopt as their own the tariff of rates and time schedules as heretofore filed by the co-partnership of Monk and Elkins for said service. All tariff of rates and time schedules to be identical with those as filed by applicants Monk and Elkins, co-partners.

4. The rights and privileges herein authorized transferred may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission shall first have been obtained.

5. No vehicle may be operated by the co-partnership

of Klein, Malony and Gilson unless such vehicle is owned by them or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 23rd
day of August, 1924.

C. J. Seaver

H. H. Brundage

Dwight Martin

Commissioners