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Decision No. 14588

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of RALPH L. HEPLLE and MARGUERITE HEPLLE to sell and PICKWICK STAGES, NORTHERN DIVISION, to purchase those certain automobile passenger lines of the former operated between San Jose and Gilroy, California, and intermediate points.

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:
)Application No. 10799
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BY THE COMMISSION:

ORDER

In this proceeding Ralph L. Heple and Marguerite Heple, co-partners, have filed a joint application with the Pickwick Stages, Northern Division, a corporation, in which they petition for an order authorizing the transfer of a certain automotive passenger stage line as hereinafter more specifically set forth. The co-partnership at the present time is the holder of a certificate of public convenience and necessity authorizing the operation of automotive passenger and express service between San Jose and Gilroy and intermediate points, said certificate having been secured under the provisions of Decision No. 9212 in Application No. 6906, dated July 17, 1921 and Decision No. 11148 in Application No. 9061, dated October 20, 1922.

The equipment included in the proposed transfer consists of two 18-passenger Winton automobiles, one 20-passenger

Winton, one 23-passenger Winton, one 14-passenger Winton, one 8 passenger Winton, and one 4-passenger Winton automobile stages together with parts, equipment, supplies, etc. The total consideration involved is the sum of \$30,000.00 to be paid by the purchasers in cash within fifteen (15) days after transfer has been authorized by the Railroad Commission.

The Pickwick Stages, Northern Division, at the present time operate automotive passenger stage service between San Francisco and Los Angeles which includes also local service between San Jose and Gilroy covering the identical route served at the present time by the co-partnership applicants herein.

The application further asks that the order authorizing the transfer include the Heple certificate as a part of the general certificate now held by applicant corporation under Decision No. 14464 in Application No. 8067. It appears from tariffs now on file with the Commission that the present rates of the co-partnership and the corporation between San Jose and Gilroy are identical with the exception of several points such as Day Road, Rucker, Watsonville Road, etc., where the rates of the seller are five (5) cents lower in some instances than those of the purchaser. There is, however, little or no traffic destined to or originating at these points, and it further appears that the commutation rate of the seller is based on one and one-half ($1\frac{1}{2}$) cent per mile while the commutation rate of the purchaser is based on one (1) cent per mile. The purchaser requests that its existing rates be continued in effect. This would provide both slight

increases and reductions in existing fares. From a check of the tariffs we are of the opinion that the reductions would far exceed increases which would be effected.

The tariff of the co-partnership also specifies two points, namely, Lick and Snell Road which are not named in the tariff of the purchaser. The transfer herein will be authorized providing for cancellation of rates by the co-partnership and the addition of Lick and Snell Road at rates as shown in the present tariff of the seller in the existing tariff of the corporation.

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:

The operative right herein authorized transferred shall be considered as part of the existing certificate of public convenience and necessity now held by the corporation under Decision No. 14464 in Application No. 8067.

Marguerite Heple and Ralph L. Reple, co-partners, shall immediately cancel tariff of rates and time schedules now on file with the Railroad Commission and Pickwick Stages, Northern Division, a corporation, shall so amend its existing tariff CRC No. 24 as to show fares to Lick and Snell Road identical with the fares as now shown in the tariff of the co-partnership. All further service to be rendered by the corporation at fares as shown in CRC No. 24.

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.

The rights and privileges herein authorized

transferred may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission thereto has first been obtained.

No vehicle may be operated by applicant corporation 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 24th
day of February, 1925.

H. B. Burdige
C. L. Seaver
Edgar W. Shore
George D. Squiers
Ernest C. Cook
Commissioners