

Decision No. 14631

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MARAKIMI TAISABURO for permission to
sell, and Beverly Gibson for permission
to purchase operative right for the
transportation of passengers and express
between Walnut Grove and Stockton and
intermediate points.

APPLICATION NO. 10716

ORIGINAL

BY THE COMMISSION -

C E D E R

In this proceeding Marakimi Taisaburo and Beverly Gibson are joint applicants, Taisaburo to sell and Gibson to acquire, an operating right for an auto stage line between Stockton and Walnut Grove and intermediate points. Certain equipment is also included in the transfer.

The operative right was established by Taisaburo prior to May 1, 1917, as shown by tariffs filed by him with the Commission in accordance with its General Order and tariff regulations. He has operated the line, transporting passengers and packages, continuously since that date. Gibson has also operated under authority of the Commission between Stockton and Walnut Grove. The effect of the instant application, if granted, will be to remove competition, without injury to the interests of the traveling public, in a more or less limited field. Gibson is a competent stage line operator and has sufficient equipment to meet any traffic demands on him created by the withdrawal of the service given by the Japanese operator. The total purchase price is given as \$12,000. Of this sum \$4000.00 is named as the value of a 15-passenger auto stage, and the good will of the business, the balance \$8000.00 representing the value of the operating right.

We are of the opinion that this is not a matter requiring a public hearing and that the application should be granted. Approval of the transfer, however, is given with the distinct understanding that the value claimed for the equipment and the operating right, good will and other intangible properties, the transfer of which is hereby authorized, is not approved by this Commission as a measure of value for rate fixing or other proceeding before this Commission or any authorized regulatory body, the value herein stated being considered only as for the purpose of the transfer and not as a finding of value, or to be used as such in subsequent proceeding .

IT IS HEREBY ORDERED that this application be and the same is hereby 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 Taisaburo 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. No vehicle may be operated by applicant Gibson 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 5th day of March, 1925.

H. A. Brandt

George D. Tquiris

Emmuel

Commissioners.