

Decision No. 14909

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHAS. B. SMITH to sell, and F.A. MINAKER
and RAY O. HOLLOWAY to purchase an
automobile freight and passenger line
operated between Porterville and Camp Nelson,
California.

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) Application No. 11040
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)

BY THE COMMISSION -

OPINION AND ORDER

ORIGINAL

Charles B. Smith has petitioned the Railroad Commission for authority to sell and transfer operating rights for an automotive service for the transportation of passengers and freight between Porterville and Camp Nelson, and F.A. Minaker and Ray O. Holloway, co-partners, have asked for authority to purchase and acquire said operating rights and to hereafter operate thereunder, said sale and transfer to be in accordance with an agreement of sale marked Exhibit "A", which exhibit is attached to the application herein, as amended, and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is named as \$1400 of which sum \$700 is said to represent the value of the operating rights and the good will of the business, the balance of \$700 being named as the value of certain equipment proposed to be transferred.

The operating rights herein sought to be transferred were granted by the Railroad Commission in Decision Nos. 10021 and 12092. In Decision No. 10021, dated January 30, 1922, on Application No. 7390, the Commission authorized Charles B. Smith, one of the applicants herein, to operate an auto service for the transportation of passengers, express and freight between Porterville and Camp Nelson and between Springville and Camp Nelson,

declaring, however, that because of an existing service between Porterville and Springville, public convenience and necessity did not require additional service between these points by Smith. Subsequently O.L. Mc Kernan, operating between Porterville and Springville, discontinued such service and Smith, in Decision No. 12092, dated May 18, 1923, on Application No. 8792, was authorized to serve between Porterville and Springville in connection with his Porterville-Camp Nelson service. The service is of a seasonal nature, being daily from July 1 to September 15th of each year, three times a week between September 15th and October 15th of each year and by appointment the rest of the year.

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 Smith 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- Applicants Minaker and Holloway shall immediately file, in duplicate, tariffs of rates and time schedules or adopt as their own the tariff of rates and time schedules for said service as heretofore filed by applicant Smith. All tariff of rates and time schedules to be identical with those as filed by applicant Smith.

- 4- The rights and privileges herein authorized to be transferred shall 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 applicants Minaker and Holloway unless such vehicle is owned by said applicants or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 12th day of
May, 1925.

H. H. Brundage

C. H. Seavey

Egerton Shore

George D. Spence

COMMISSIONERS.