

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. F. MALONY and GEORGE E. GILSON,)
 co-partners, operating under the)
 fictitious name of SAN JOSE-BIG BASIN)
 and SANTA CRUZ STAGE LINE and SAN JOSE-)
 AGNEW and ALVISO STAGE LINE, and of)
 LOUIS KLEIN, J. F. MALONY and GEORGE) Application No. 11138
 E. GILSON, co-partners, operating under)
 the fictitious name of LOS GATOS-SAN)
 JOSE BUS LINE, to sell and transfer)
 operative rights to PEERLESS STAGES,)
 Incorporated.)

BY THE COMMISSION -

OPINION and ORDER

J. F. Malony and George E. Gilson, co-partners, and
 J. F. Malony, George E. Gilson and Louis Klein, co-partners,
 have petitioned the Railroad Commission for authority to
 sell and transfer operating rights for auto stage services
 conducted by them between San Jose, Big Basin and Santa Cruz,
 between San Jose and Alviso and between San Jose and Los
 Gatos, and Peerless Stages, Inc., petitions for authority to
 purchase and acquire said operating rights and hereafter op-
 erate thereunder, the transfer to be in accordance with an
 agreement marked Exhibit "B", which agreement is attached to
 the application herein and made a part thereof.

The consideration to be paid for the property herein
 proposed to be transferred is given as \$31,000, which sum
 is named as the value of the operating rights and certain
 equipment and other personal property listed in a document
 marked Exhibit "A" and attached to the application herein.

The operating rights herein sought to be transferred
 by Malony and Gilson, co-partners, are as follows:

Between San Jose-Big Basin and Santa Cruz,
acquired by partnership from E. B. Davis in
Decision No. 12755, dated October 25, 1923,
on Application No. 9465.

Between San Jose and Alviso and Agnew and
intermediate points,- acquired by partnership
in Decision No. 13587, dated May 17, 1924, on
Application No. 9595.

The operating rights herein sought to be transferred by
Klein, Malony and Gilson, co-partners, are as follows:

Between San Jose and Los Gatos and intermediate
points,- acquired by partnership from Monk & Elkins
in Decision No. 13951, dated August 23, 1924, on
Application No. 10377, and

Between Los Gatos and Campbell as part of above,
granted in Decision No. 14148, dated October 7, 1924,
on Application No. 10501.

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- Authority to transfer the operating rights
herein described shall in no way be construed
by applicant Peerless Stages, Inc., as authority
to link up or join said operating rights with the
rights now owned by said Peerless Stages, Inc.
- 2- Peerless Stages, Inc., shall not in any way
change the rates, rules and regulations or give
any different service than is now being given by
applicants Malony and Gilson and Klein, Malony
& Gilson, without first obtaining authority to
make such change from the Railroad Commission
- 3- 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.

4- Applicants Malony and Gilson, and Klein, Malony and Gilson 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.

applicant

5- Peerless Stages, Inc., shall immediately file, in duplicate, tariffs of rates and time schedules or adopt as its own the tariff of rates and time schedules for said service as heretofore filed by applicants Malony and Gilson, and Klein, Malony and Gilson. All tariff of rates and time schedules to be identical with those as filed by applicants Malony and Gilson, and Klein, Malony and Gilson.

6- 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.

7- No vehicle may be operated by applicant Peerless Stages, Inc., unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

This order shall not become effective until the minimum fee required by Section 6 of the Auto Stage and Truck Transportation Act, and Section 52 of the Public Utilities Act has been paid, which fee in this instance is the sum of \$25.

Dated at San Francisco, California, this 3rd day of

June, 1925.

W. H. Bundege
C. Seaver

George D. Squires
Francis Deeds

