Decision No. 11.279



BEFORE THE RAILROAD COMMISSION OF THE STATE OR CALIFORNIA

In the Matter of the Application of R. W. LAVERTY to sell and transfer to SAM NEWTON and THOS. BIGGART, co-partners, doing business under the firm name of Newton & Biggart, an automobile freight line between San Jose and Hollister, California, and of said Newton & Biggart to operate such automobile freight line.

Application No.11508

BY THE COMMISSION -

OPINION and ORDER

R. W. Laverty has petitioned the Heilroad Commission for authority to sell and transfer an operating right for an automotive freight service between San Jose and Hollister, and Sam Newton and Thomas Biggart, co-partners, have petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement marked Exhibit "A", which exhibit 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 \$2300, of which amount \$2000 is said to represent the value of certain equipment and \$500 the value of the operating right.

The operating right herein sought to be transferred was originally granted by the Railroad Commission to E. C. Heskett in its Decision No.7539, dated May 3, 1920, on Application No.5461. Heskett, on Application No.5790, was authorized to transfer the right to William E. Bledsoe, and the latter transferred it to Newton & Ayers, on authority granted on Application No.7806. Leverty acquired the right from Newton & Ayers, the Commission approving the transfer in its Decision No.12498 on Application No.9288.

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 Laverty 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.
- 5- Applicants Newton and Biggart shall immediately file, in duplicate, tariffs of rates and time schedules or adopt astheirown the tariff of rates and time schedules for said service as heretofore filed by applicant Laverty. All tariff of rates and time schedules to be identical with those as filed by applicant Laverty.
- 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 Newton and Biggart 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 1/2 day of August, 1925.

GEOMING ONNISSIONERS.