

Decision No. 15438

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
ERNEST R. BLUE to sell and FLOYD BENSON
SMITH to purchase two automobile passen-
ger and small freight lines operated be-
tween Chico, Butte County, California,
and Hamilton City, Glenn County, Calif-
ornia, and between Chico, Butte County,
California, and Willows, Glenn County,
California.

Application No. 11705.

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

Ernest R. Blue has petitioned the Railroad Commis-
sion for authority to consolidate and thereafter to sell and
transfer two operating rights authorizing the operation of an auto-
motive passenger and light freight service between Chico and Hamil-
ton City and between Chico and Willows, and Floyd Benson Smith has
applied for authority to purchase and acquire said consolidated
operating rights 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 \$4250. of which amount
\$4000 is said to represent the value of equipment and \$250 the
value of the operating rights.

One of the operating rights herein sought to be
transferred, that covering service between Chico and
Willows, with service to Hamilton City and Orland, as inter-

mediates, was acquired by applicant Blue from R. E. Riley, the Railroad Commission approving the transfer in its decision on Application No. 9487. Originally the right authorized the transportation of passengers only. By Decision No. 11758, dated March 6, 1923, issued on Application No. 8298, the Commission authorized the operation of a light freight service on the passenger automobiles and in connection with the passenger service given between Chico and Willows and the intermediate points, declaring that

"The term 'light freight' shall be deemed to mean newspapers, ice cream, dairy products and package merchandise. No single article of merchandise shall have a weight in excess of one hundred (100) pounds and no single shipment from one consignor to one consignee shall exceed two hundred (200) pounds."

The other operating right, that between Chico and Hamilton City, was established by one Gay E. Heaton, who operated prior to May 1, 1917, and subsequent thereto to the date of the transfer of the operating right to J. R. Langille, which transfer was approved by the Commission in its Decision No. 8547, dated February 21, 1921, on Application No. 6551. Subsequently, Langille transferred the right to Martin & Rosebrook, who in turn, transferred it to Applicant Blue, as shown by the Commission's Order in Decision No. 15151, dated July 7, 1925, on Application No. 11281.

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, both as to the consolidation of the operating rights and to the transfer of the consolidated right.

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 Blue 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. Applicant Floyd Benson Smith shall immediately file in duplicate in his own name, or such fictitious name as he chooses to operate under, tariff of rates and time schedules which shall be identical with the tariff of rates filed with the Railroad Commission by Ernest R. Blue, under the name of Chico-Willows Stage Line and numbered C. R. C. No. 4, Local Passenger Tariff No. 4, and C. R. C. No. 2, Local Freight Tariff No. 2, and time schedules No. 9 of the Chico-Willows Stage Line filed by Ernest R. Blue, June 1, 1925, and effective June 2, 1925.
4. Applicant Smith shall add to the Local Freight tariff filed in compliance with the order herein, the following rule:

"Only such light freight accepted for transportation as may be transported on passenger cars of applicant used in the service between Chico and Willows and intermediate points."
5. 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.
6. No vehicle may be operated by applicant Floyd Benson Smith 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 21st
day of September, 1925.

W. B. Brundage
C. Beatty
Leon Whitell
Commissioners.