

ORIGINAL

Decision No. 12757

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 V. C. LINVILLE to sell, and WM. FRAILEY )  
 to purchase one half interest in the )  
 operating right for auto truck freight ) Application  
 service between Alturas and Fort Bidwell, ) No. 12133  
 California, as granted by said Commission )  
 pursuant to Application No. 11061. )

BY THE COMMISSION -

OPINION and ORDER

V. C. Linville, owner of a half interest in an operating right for an automobile service for the transportation of freight between Alturas and Fort Bidwell and intermediate points, has petitioned the Railroad Commission for authority to sell and transfer said half interest to his partner, Wm. Frailey, and Wm. Frailey has applied for authority to purchase and acquire said half interest and to hereafter operate said line as an individual, the purchase and transfer to be in accordance with an agreement 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 \$250, which sum is said to represent the value of the half interest in the operating right herein proposed to be transferred, no equipment being involved.

Originally Frailey and Delmas, co-partners, operated an automobile service for the transportation of passengers and freight between Alturas and Cedarville under authority of the Railroad Commission as shown in its order issued on Application No. 7937, approving a transfer to the partnership of an operating right established by T. J. Negley by reason of operation prior

to May 1, 1917. Subsequently, in Decision No.14461, on Application No.10727, the Commission authorized Delmas to transfer his half interest in the operating right to Vern Linville, who is the V. C. Linville of the instant application. In Decision No.15418, on Application No.11673, the Commission approved the transfer by Linville of his interest to Frailey, making the last named the sole owner of the Alturas-Cedarville automobile service. Prior to the approval of this transfer the partnership had applied for authority to extend the freight service to Fort Bidwell, which extension was granted to the partnership by the Commission in its Decision No.15478, dated October 1, 1925, issued on Application No.11061. Frailey now seeks to acquire Linville's interest in this extension, and thus become sole owner of the business heretofore conducted by Linville and Frailey.

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 V.C.Linville shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service authorized by the certificate a half interest in which is herein authorized to be transferred.
- 3- Applicant Wm. Frailey shall immediately file in his own name, or such fictitious name as he may elect to use, tariff of rates and time schedules which shall be satisfactory to the Railroad Commission.

4- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

5- No vehicle may be operated by applicant, Wm. Frailey, 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 16th day of  
December, 1925.

H. F. Bonadilla

O. C. Seamy

George D. Squier

COMMISSIONERS.