

Decision No. 16044

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 C. E. DOTY to sell, and J. A. KEITHLEY,)
 to buy, certain physical property and)
 rights under certificate of public con-) Application
 venience and necessity to operate auto-) No. 11413
 mobile trucks as a common carrier of)
 freight between Hopland and Kelseyville.)

BY THE COMMISSION -

OPINION and ORDER

C. E. Doty in an amended application has petitioned the Railroad Commission for an order approving the transfer to J. A. Keithley of an operating right for the transportation of freight between Hopland and Kelseyville and between Kelseyville and Calistoga via Middletown, and J. A. Keithley has applied for authority to purchase and acquire said operating right and to hereafter operate thereunder. In the original application Doty proposed to transfer only a half interest in the property to Keithley.

The consideration to be paid for the property herein proposed to be transferred is given as \$1500, of which sum \$100 is said to represent the value of the operating right and \$1400 the value of certain equipment.

The operating right herein proposed to be transferred was established by J. A. Keithley by operation prior to May 1, 1917, and the filing of tariffs in accordance with the Railroad Commission's General Order No. 47, said tariffs showing service between Hopland and Kelseyville. In Decision No. 6612, dated August 29, 1919, and issued on Application No. 4835, the Commission authorized Keithley to transfer the operating right to J. R. Huston. In Decision No. 10565, dated June 8, 1922, Huston was granted authority to transfer the right to C. E. Doty. On Application

No.8208 (as shown by Decision No.11044, dated October 2, 1922), Doty was authorized to change his route, to travel between Hopland and Kelseyville via a new highway and to serve as intermediate points Finlay and the plant of the Earl Fruit Company, the order permitting the change carrying with it authority to abandon service over the toll road and via Highland Springs. In Decision No.12175, dated June 5, 1925, and issued on Application No.8796, Doty was authorized to operate an auto freight transportation service between Calistoga and Kelseyville and intermediate points, with no service, however, between Calistoga and Middletown. No authority to link up the two operating rights so as to provide through service between Calistoga and Hopland was granted, nor was such authority requested.

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 Doty shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No.51.
- 3- Applicant Keithley shall immediately file in his own name new tariff of rates and time schedules, which tariff of rates and time schedules must be, in form and substance, 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 Keithley 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 2nd day of March, 1926.

H. B. Brundage
C. Sealey
Ernest L. Ladd
Leon Whitely

COMMISSIONERS.