

ORIGINAL

Decision No. 16070

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 C. C. SCHLAGETER to sell, and)
 YOSEMITE PARK & CURRY CO., a corporation,) Application No. 12556
 to purchase automobile passenger and)
 freight lines operating between Merced,)
 Merced County, and Mariposa, Mariposa)
 County, State of California.)

BY THE COMMISSION -

OPINION and ORDER

C. C. Schlageter has petitioned the Railroad Commission for an order approving the transfer to Yosemite Park and Curry Company, a corporation, of an operating right for an automobile stage service for the transportation of passengers and express between Merced and Mariposa and intermediate points, and Yosemite Park and Curry Company, a corporation, has applied for authority to purchase and acquire said operating right, and to hereafter operate thereunder, the sale and transfer to be in accordance with a document 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 \$5000 and other valuable consideration, all of which are set forth in Exhibit "A". Of the sum of \$5000 all of it is claimed as the value of the operating right, no equipment or other property being involved.

The operating right herein sought to be transferred was originally granted to C.A. and C.C. Schlageter by the Railroad Commission in its Decision No. 7207, dated March 2, 1920, and issued on Application No. 5052. Subsequently C.A. Schlageter died and on July 6, 1925, the Superior Court of the County of Mariposa made its order assigning to Josie M. Schlageter, widow of

234

C. A. Schlageter, the whole of the estate of the deceased, which estate was more particularly described as

an undivided one-half interest in and to that certain automobile stage line for the transportation of passengers and freight between the city of Merced and the town of Mariposa, under a permit granted by the Railroad Commission of the State of California by Decision No. 7207, dated March 2, 1920.

On August 27, 1925, in Decision No. 15348, issued on Application No. 11635, the Railroad Commission approved the transfer by Josie M. Schlageter to C. C. Schlageter of the undivided one-half interest in the operating right assigned to her by court order.

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 Schlageter 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 Yosemite Park and Curry Company, a corporation, shall immediately issue in its own name tariff of rates and time schedules covering service heretofore given by applicant Schlageter, which tariff of rates and time schedules shall be in form and substance satisfactory to the Railroad Commission.

4- The rights and privileges herein authorized may not be sold, lease, 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 Yosemite Park & Curry Company unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

6- The order herein shall not be construed as in any way authorizing linking up of the operating right herein transferred with any other operating right now owned by the Yosemite Park and Curry Company.

Dated at San Francisco, California, this 3rd day
March, 1926.

H. B. Rounding
C. Seaver
Edward West
Leon A. Russell

COMMISSIONERS