

Decision No. 16093

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 JOSEPH MILLER to sell, and CALIFORNIA )  
 TRANSIT COMPANY, a corporation, to )  
 purchase automobile passenger and ) Application No. 12566  
 express lines operated between Visalia, )  
 Hanford and Lemoore, Hanford and Fresno, )  
 and Hanford and Corcoran. )

BY THE COMMISSION -

OPINION and ORDER

ORIGINAL

Joseph Miller has petitioned the Railroad Commission for an order approving the transfer to California Transit Company, a corporation, of operating rights for an automobile service for the transportation of passengers and express between Fresno, Hanford, Visalia and Lemoore and intermediate points and between Hanford and Corcoran, and California Transit Company, a corporation, has applied for authority to purchase and acquire said 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 \$40,000 of which sum \$25,000 is said to represent the value of certain property and equipment and \$15,000 is named as the value of the operating rights.

Applicant Miller obtained authority to operate between Fresno and Hanford and intermediate points, when the Railroad Commission in Decision No. 13692, dated June 12, 1924, and issued on Application No. 9849, authorized Valley Transit Company, a corporation, to transfer to Miller in exchange for certain other rights, an operating right covering service between Fresno and Hanford, which right had been acquired by Valley Transit from

342

Walling and Alexander, co-partners, as shown by the Commission's Decision No.9507, dated September 14, 1921, and issued on Application No.7067. Walling and Alexander established the right by operation prior to May 1, 1917. As transferred to Miller, the Fresno-Hanford right provided that there was to be no local service given between Fresno and Fowler.

Miller operates between Visalia and Lemoore under authority of an operating right granted by the Railroad Commission in its Decision No.6085, dated January 28, 1919, and issued on Application No.4074. On Application No.9389 Miller applied for a blanket certificate covering all his operations with an extension to San Jose from Los Banos, one of the points served by him in his operations north of Fresno. The Commission in Decision No.14407, dated December 27, 1924, denied the application for the extension to San Jose and granted him two certificates, one covering and consolidating all his rights north of Fresno and the other covering and consolidating the Fresno-Hanford and Visalia-Lemoore services. Subsequently the north of Fresno rights were transferred to Valley Transit Company, later to become, with the approval of the Railroad Commission, the property of California Transit Company, a corporation, one of the applicants herein. Granting of the instant application, then, will have the effect of entirely eliminating Miller as an operator in the Fresno district, and conveying to California Transit Company all the Miller operating rights.

Further as to the Fresno-Hanford-Visalia-Lemoore rights, which are herein proposed to be transferred, the following from the Commission's Decision No.14407 fully describes them as consolidated -

\*\*\*\*\*public convenience and necessity require the operation by Joseph Miller of an automotive stage line between Visalia, Plaza, Cross Creek, Hanford, Armona, Lemoore, Lucerne, Loyalton, Wildflower, Fowler and Fresno, but not locally between Fresno and Fowler, inclusive, for the common carriage of passengers and express matter."

The decision further provides that the express matter to be carried between the points named shall be limited to shipments not to exceed 75 pounds each in weight and that the certificate granted is

\*\*\*\*\* in lieu of and not in addition to the existing certificates held by Joseph Miller between points herein above named."

Miller also operates between Hanford and Corcoran and this right is also proposed to be transferred. He recently acquired the operating right for an automobile passenger and express service between Hanford and Corcoran from one C. J. Graham. The Commission approved the transfer in its Decision No.15801 dated December 28,1925, and issued on Application No.12302, but provided in its order that the right transferred was not to be linked up with Miller's existing rights and further that the operation between Hanford and Corcoran was to be maintained as a separate service. The express limit on the Hanford-Corcoran run is fixed at 200 pounds.

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 provisions:

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 Miller 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 California Transit Company shall immediately file, in duplicate, tariffs of rates and time schedules or adopt as its own the tariff of rates and time schedules for said service as heretofore filed by applicant Miller. All tariff of rates and time schedules to be identical with those as filed by applicant Miller.

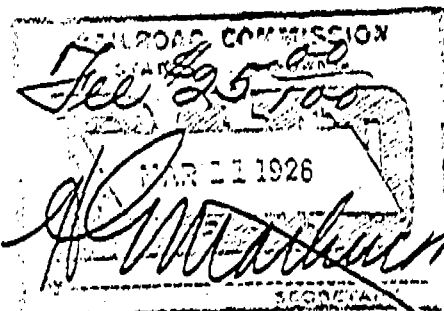
4- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

5- No vehicle may be operated by applicant California Transit 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 in no way be construed as conveying authority for the linking up of the rights herein transferred with the existing rights of the California Transit Company; nor shall it be construed as authority for any change in the restrictions as to linking up of the Miller rights.

7- This order shall not become effective until there has been paid to the Railroad Commission the fee required by Section 57 of the Public Utilities Act on evidences of indebtedness extending over a period of more than 12 months, in this instance the minimum sum of \$25.

Dated at San Francisco, California, this 7th day of  
March, 1926.



H. B. Brundage  
C. J. Leary

Leon Whitell

COMMISSIONERS.