Decision No. 16454

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of N. A. WEBB and F. S. HENDRICKS to sell, and T. C. GILLESPIE to purchase an automobile and truck passenger and express line operated between Pasadena and Switzer's Relay in the State of California.

Application No.12690



BY THE COMMISSION -

## OPINION and ORDER

N. A. Webb and F. S. Hendricks, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer by them to T. C. Gillespie of an operating right for an automobile service for the transportation of passengers and express between Pasadena and Switzer's Relay. and T. C. Gillespie 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 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 \$10,000, of which sum \$9900 represents the value of certain equipment and \$100 is said to be the value of the operating right.

The operating right herein proposed to be transferred was granted to Webb and Hendricks, co-partners, by the Bailroad Commission in its Decision No.6618, dated August 29, 1919, and issued on Application No.4864, Summer service only was contemplated.

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:

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1- That the authority herein granted shall not be construed as in any way authorizing the linking up or consolidation of the right herein transferred with the operating rights now owned by T.C.Gillespie.

2- That this order shall not become effective until there has been paid to the Railroad Commission the fee required by the Public Utilities Act and the Auto Stage and Truck Transportation Act on evidences of indebtedness payable over a period of more than 12 months, in this instance the minimum fee of \$25.00.

3- 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.

4- Applicants Webb and Hendricks 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.

5- Applicant Gillespie shall immediately issue in his own name, in duplicate, tariff of rates and time schedules covering service now being given by Webb & Hendricks, said tariff of rates and time schedules to be identical with those now on file with the Railroad Commission or rates and schedules satisfactory in form and substance to the Railroad Commission.

6- 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.

7- No vehicle may be operated by applicant Gillespie 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 <u>9<sup>th</sup></u> day of

April, 1926.

COMMISSIONERS.

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