

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PAULY & STINCHFIELD, and O. N. PAULY  
& J.E. GRACE, co-partners, and MT. LASSEN  
TRANSIT COMPANY, a corporation, for the  
approval of a certain agreement trans -  
ferring to Mt. Lassen Transit Company  
operative rights for the operation of a  
passenger, express and freight service  
between Oroville and Buck's Ranch, and a  
declaration that public convenience and  
necessity require said service by Mt.  
Lassen Transit Company.

Application No. 12745

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Pauly & Stinchfield, a partnership, and O. N. Pauly and J. E. Grace, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer to Mt. Lassen Transit Company, a corporation, of operating rights for an automobile service between Oroville, Swaynes Camp and Buck's Ranch, and intermediate points, and Mt. Lassen 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 \$4000.

Pauly & Stinchfield acquired the right to operate the service described herein, and which is covered by the operating rights herein proposed to be transferred, by purchase from J. F. Douglas, the Commission approving the transfer in its Decision No. 12999, dated January 9, 1924, and issued on Application No. 9570. Douglas purchased the business with the approval of the Railroad Commission as shown by Decision No. 11898, dated April 5, 1923, and issued on Application No. 8840, from H. O. Martin. The records of the Commission show that in Decision No. 7622, on Application No. 5672, Martin was authorized to operate an automobile service for the transportation of

passengers and freight between Oroville and Merrimac and intermediate points. In Decision No.9979, on Application No.7458, Martin was granted authority to extend his line to Swaynes Logging Camp, the authority to extend covering passenger service only. After acquiring the right covering passenger service between Merrimac and Swaynes Camp, Douglas applied for and was granted (Decision No.12189, dated June9, 1923, and issued on Application No.9091) authority to transport packages between Oroville and Swaynes Logging Camp, the order of the Commission limiting the packages to such as could readily be transported on applicant's passenger cars, the charge for the service to be not in excess of 25 cents.

In Decision No.15105, dated June 25, 1925, and issued on Application No.11234, Pauly & Stinchfield were granted by the Commission authority to extend the service acquired from Douglas to Buck's Ranch, the order giving the partners the right to transport passengers and freight between Swaynes Camp and Buck's Ranch, the service to be conducted as an extension of the Oroville-Swaynes camp operation.

Daniel W. Stinchfield, partner with Pauly, and owner of a one half interest in the property herein proposed to be transferred, died in July, 1925, and thereafter Robert A. Stinchfield was, by order of the Superior Court of the County of Butte, said order being dated August 28, 1925, named Administrator of the Estate of said Daniel W. Stinchfield. On December 11, 1925, O. N. Pauly, the surviving partner of the firm of Pauly & Stinchfield, in ignorance of the laws requirements covering transfer of operating rights, sold and transferred to J.E.Grace, the sale and transfer being approved by Robert A. Stinchfield, Administrator of the Estate of Daniel W. Stinchfield, all of the interest of said Daniel W. Stinchfield in the operating rights heretofore granted to Pauly & Stinchfield by the Railroad Commission.

Attached to the application herein is a copy of the order of the Superior Court of the County of Butte naming Robert A. Stinchfield Administrator of the Estate of Daniel W. Stinchfield; there is also

attached a copy of the bill of sale executed by Purdy in favor of Grace and a copy of a letter written to the Railroad Commission by the Attorney for the Estate of Daniel W. Stinchfield, in which the Commission is advised that all of the heirs of Daniel W. Stinchfield have agreed to the sale by the estate to J. E. Grace of the interest of Daniel W. Stinchfield in the firm of Pauly & Stinchfield. Attached also is a copy of a memorandum of agreement signed by J.E.Grace and O.N.Pauly, giving to Mt. Lassen Transit Company an option on the properties of Pauly & Grace, All of these documents are made a part of the application herein.

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- This order shall not be construed as in any way authorizing Mt. Lassen Transit Company to link up and consolidate the operating rights herein transferred with the existing rights of the Mt. Lassen Transit Company.
- 2- 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.
- 3- Applicant Pauly for the partnership of Pauly & Stinchfield and Pauly & Grace shall immediately withdraw tariff of rates and time schedules on file with the Railroad Commission covering service, certificates for which are herein authorized to be transferred, such withdrawal to be in accordance with the provisions of the Commission's General Order No.51.
- 4- Applicant Mt. Lassen Transit Company, a corporation, shall immediately issue in its own name a tariff of rates and time schedules covering the Pauly & Stinchfield service which shall be satisfactory in form and substance to the Railroad Commission.
- 5- 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.

6- No vehicle may be operated by applicant Mt. Lassen 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.

Dated at San Francisco, California, this 23rd day of April, 1926.

H. B. Brundage

C. L. Seamy

E. W. Smith

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COMMISSIONERS.