

Decision No. 16640**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ADDA B. MC CULLOCH, widow of C. T.
 MC CULLOCH, deceased, to sell, and of
 SAN ANTONIO TRANSFER COMPANY, a common
 law trust, to purchase the operative
 rights for an automobile passenger line
 between Upland and Camp Baldy, via San
 Antonio Heights, California; of SAN
 ANTONIO TRANSFER COMPANY, a common law
 trust, for a certificate of public con-
 venience and necessity to operate an
 automobile freight and express service
 between Upland and Ice House Canyon and/or
 Manker Flats, via San Antonio Heights and
 Camp Baldy, California; and of SAN ANTONIO
 TRANSFER COMPANY, a common law trust, for
 a certificate of public convenience and
 necessity to extend its passenger service
 from the junction of Upper San Antonio
 Canyon Road with Ice House Canyon Road
 to Manker Flats, California.

) Application No. 12726

BY THE COMMISSION -

OPINION and ORDER

Adda B. Mc Culloch has petitioned the Railroad Commission for authority to transfer to San Antonio Transfer Company, a common law trust, an operating right for an automobile service for the transportation of passengers between Upland and Camp Baldy, with certain restrictions as to service between intermediate points, and San Antonio Transfer Company, a common law trust, asks for authority to purchase and acquire said operating right and to hereafter operate thereunder, the service to be given as part of the service now being given by San Antonio Transfer Company between Camp Baldy and Ice House Canyon road. The nominal sum of \$10 is named as the compensation to be paid for the property herein proposed to be transferred.

San Antonio Transfer Company also seeks authority to extend its passenger service to a point known as Manker Flats and asks also for a certificate of public convenience and necessity authorizing an automobile service for the transportation of freight and express between Upland and Manker Flats, and intermediate points, with no

service, however, either passenger, freight or express, between Upland and San Antonio Heights.

The instant application has been filed as a result of a check of the operating rights of the San Antonio Transfer Company and notice from the Railroad Commission to the owners of the company's interests that, evidently through an inadvertence, revealed following the death of C.T. Mc Culloch, the ownership of the operating rights was involved.

It appears that C.T. Mc Culloch, owner of an interest in the San Antonio Transfer Company, a common law trust, applied, as an individual, for authority to operate an automobile service for the transportation of passengers and freight between Upland and Camp Baldy and intermediate points, via San Antonio Heights. In Decision No. 7558, dated May 10, 1920, and issued on Application No. 5574, the Railroad Commission granted the certificate applied for, the Commission's order, however, providing that no service be given between Upland and San Antonio Heights, the restriction being based on the fact that the Pacific Electric Railway Company was adequately serving this territory. Passenger service was established in accordance with the provisions of the certificate but the freight service was not perfected by the filing of tariffs as required. Passenger tariffs and time schedules, however, were filed under the name of San Antonio Transfer Company, C.T. Mc Culloch, Manager.

In March, 1922, Mc Culloch, using the name San Antonio Transfer Company, applied to the Commission for authority to extend his operations and in Decision No. 10260, dated March 29, 1922, and issued on Application No. 7661, the Commission authorized San Antonio Transfer Company to operate between Camp Baldy and the end of Ice House Canyon road, in effect authorizing the company, a trust, to extend the service conducted by Mc Culloch, an individual. This situation came to the attention of the Commission with the advice from H.C. McCulloch of the decease of C.T. Mc Culloch.

Attached to and made a part of the instant application is a copy of an order issued by the Superior Court of the County of San Bernardino, said order being dated February 15, 1926, setting aside to Adda B. McCulloch, widow of said C.T.McCulloch, deceased, the estate of said C.T.McCulloch, the whole of said estate consisting of the operating right granted to C.T.McCulloch by the Railroad Commission in its Decision No.7558.

In the light of this history of the ownership of the operating rights, we are of the opinion that so far as the application to transfer the C.T.McCulloch operating right is concerned, this is a matter in which a public hearing is not necessary. Nor does there appear to be any reason why a public hearing should be held necessary on the petition for authority to extend the service and to operate a freight and express service between Upland and Manker Flats, particularly as the applicant expressly waives the right to transport persons or property between Uplands and San Antonio Heights, in accordance with the terms of the certificate originally issued by the Commission.

Supporting its claim that public convenience and necessity require the enlarged service as proposed, applicant, San Antonio Transfer Company, declares that there are many public resorts and more than 450 private cabins in San Antonio and Ice House Canyons whose owners require transportation service, there being no other certificated carriers operating in the territory.

O R D E R

IT IS HEREBY ORDERED that the inheritance by Mrs. Adda B. McCulloch of the operating right granted by the Commission to C. T. McCulloch in its Decision 7558, be and the same is hereby authorized and approved.

IT IS HEREBY FURTHER ORDERED that the application of Adda B. McCulloch for authority to transfer to San Antonio Transfer Company, a common law trust, the operating right she inherited as the widow of C.T.McCulloch, as shown by the order of the Superior Court of the County of San Bernardino, a copy of which order is attached to the application herein, 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 Adda B. Mc Culloch 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.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by San Antonio Transfer Company, a common law trust, of an automobile service for the transportation of passengers between Ice House Canyon road and Manker Flats and intermediate points, said service to be operated as an extension to and as part of the service now being given to Ice House Canyon by San Antonio Transfer Company.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is granted to San Antonio Transfer Company, a common law trust, subject to conditions named elsewhere in the order herein.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by San Antonio Transfer Company, a common law trust, of an automobile service for the transportation of freight and express between Upland and Manker Flats and intermediate points, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is granted to San Antonio Transfer Company, a common law trust, subject to the following conditions:

1- Applicant within a period not to exceed 10 days from the date hereof, shall file its written acceptance of the certificates herein granted, and shall file, in duplicate, within twenty (20) days tariff of rates and time schedules which shall be identical with the tariff of rates and time schedules submitted with the application herein, or rates and schedules satisfactory to the Railroad Commission and said tariffs and time schedules shall be in lieu of or a cancellation of those now on file with the Commission under the name of San Antonio Transfer Company.

