

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. P. SMITH to sell, and E.C. LITTEN)
to purchase an automobile, passenger) Application
or freight line, operated between) No. 12830
Patterson, Crows Landing, Newman and)
Modesto, California.)

BY THE COMMISSION --

OPINION and ORDER

J. P. Smith has petitioned the Railroad Commission for an order approving the sale and transfer by him to E. C. Litten of an operating right for an automobile service for the transportation of passengers and express between Modesto, Crows Landing, Patterson and Newman, and E. C. Litten has petitioned 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 of sale, 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 \$1200 of which sum \$600 is said to represent the value of the operating right and \$600 is named as the value of certain equipment.

The operating right herein proposed to be transferred was established by the Star Auto Stage Association by reason of operation prior to May 1, 1917. The original tariff filing covering the route served shows a passenger and express service, the transportation of express being limited to packages weighing not more than 100 pounds. With the approval of the Railroad Commission, as shown in Decision No. 7795, dated June 24, 1920, and issued on Application No. 5162, the operating right was transferred to applicant J.P. Smith.

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 Smith 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 Litten shall immediately file, in his own name, in duplicate, tariff of rates and time schedules covering service between the points served by applicant Smith, which rates and time schedules shall be identical with those filed by applicant Smith under the name of Modesto-Newman Auto Stage, or rates and schedules satisfactory in form and substance to the Railroad Commission.
- 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 Litten 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 17th day of May, 1926.

H. P. Brundage
C. C. Seamy
E. W. Dooty

COMMISSIONERS.