

Decision No. 17243.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ROBERT C. DEAR to sell and
PAUL DERKUM to purchase an automobile
line (passenger and express),
operating between Bakersfield, Califor-
nia, and McKittrick, California.

ORIGINAL

Application No. 13082.

BY THE COMMISSION -

OPINION AND ORDER

Robert C. Dear has petitioned the Railroad Commission for an order approving the sale and transfer by him to Paul Derkum of an operating right for an automobile service for the transportation of passengers and property between Bakersfield and McKittrick, and Paul Derkum 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. Derkum further proposes to merge and consolidate the operating right herein proposed to be transferred with the operating right he now owns between Bakersfield and Buttonwillow, to extend said consolidated right to the town of Reward and to put into effect a schedule of rates and time schedules identical with the rates and schedules shown in Exhibit "B," 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 \$1000.

The operating right herein proposed to be transferred was acquired by applicant Dear, by purchase, from Hather & Hather, the Commission approving the transfer in its Decision No. 9042, dated June 3, 1921, and issued on Application No. 6798.

We are of the opinion, so far as the application for a transfer of the Dear operating right is concerned, that it 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 for a transfer of an operating right for an automobile service between Bakersfield and McKittrick 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 Dear 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. 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.
4. No vehicle may be operated by applicant Paul Derkum unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

We are also of the opinion that a public hearing is not necessary in the matter of Derkum's application for authority to consolidate the operating right herein authorized to be transferred with

the operating right now possessed by him, which right parallels the Dear right between Bakersfield and Buttonwillow. The consolidation as proposed will make for more efficient operation. Nor is it necessary, in our opinion, to hold a public hearing on the application to extend the consolidated right from McKittrick to Reward. The last named community was at one time served by Dear. Service, however, was abandoned (with the consent of the Commission), when traffic dropped to a point making profitable operation impossible. Conditions are somewhat better now, and, according to Derkum, justify resumption of service.

IT IS HEREBY ORDERED that the application of Paul Derkum, applicant herein, for authority to consolidate and merge with the operating right he now owns between Bakersfield and Buttonwillow, the operating right between Bakersfield and McKittrick he is herein authorized to acquire from Robert C. Dear, be and the same hereby is granted.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Paul Derkum of an automobile service for the transportation of passengers, baggage and express between the towns of McKittrick and Reward, said service to be operated as an extension to and as a part of a service between Bakersfield and McKittrick and intermediate points, given under the operating rights herein authorized to be consolidated, 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 Paul Derkum, subject to the following conditions:

1. Applicant herein shall file with the Railroad Commission his written acceptance of the certificate herein granted within a period of not to exceed ten (10)

days from date hereof; shall file, in duplicate, tariff of rates and time schedules within a period of not to exceed twenty (20) days from date hereof, such tariff of rates and time schedules to be identical with those attached to the application herein; and shall commence operation of said service within a period of not to exceed thirty (30) days from date hereof.

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

3. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all purposes other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 18th day of August, 1926.

H. B. Brundage

C. Seamy

Leon Whitell

Thos. S. Curtis

Commissioners.