

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JUDY & ELLIOTT (a co-partnership com-
posed of Roe L. Judy and Charles A.
Elliott, doing business under the
firm name and style of Judy & Elliott)
to sell, and BEVERLY GIBSON to
purchase an automobile passenger and
express line operated between Winters,
Yolo County, California, and Sacramento,
Sacramento County, California.

Application
No. 13134

BY THE COMMISSION -

OPINION and ORDER

Roe L. Judy and Charles A. Elliott, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer by them to Beverly Gibson of operating rights for an automobile service for the transportation of passengers and express between Sacramento and Winters, via Davis, and between Sacramento and Davis, and Beverly Gibson 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 \$30,000, of which sum \$22,500 is said to represent the value of certain equipment, and \$7500 is named as the value of the operating rights.

The operating rights herein proposed to be transferred were acquired by Judy & Elliott, co-partners, from the Railroad Commission as shown by Decision No.7179, dated February 27, 1920, and issued on Application No.4632, and Decision No.14739, dated April 4, 1925, and issued on Application No.10960.

By Decision No. 7179, Judy & Elliott were authorized to operate an auto service for the transportation of passengers and parcels between Sacramento and Winters, via Davis. They had, the record

shows, purchased the business of John D. Griffin, operator of what was known as the Sacramento, Davis and Winters Stage Line. By Decision No.14739, Judy & Elliott acquired from George Gentle an operating right for the transportation of passengers and packages between Sacramento and Davis, which right had been established by Gentle by the filing with the Railroad Commission of tariffs and time schedules showing operation by him on May 1, 1917, and prior thereto. In approving the transfer the Commission declared it must be distinctly understood that its order of approval

*****in no wise authorizes Judy & Elliott, co-partners, to give any lesser or different service between Sacramento and Davis than is now being given by applicant Gentle, or to change any rate shown in the tariffs on file with the Railroad Commission under the name of George Gentle unless authority to make change in service or rates is first obtained from the Railroad Commission."

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- That no authority is hereby conveyed permitting applicant Beverly Gibson to set aside the restrictions as to service and rates contained in Decision No.14739.
- 2- That applicant Beverly Gibson shall not in any way construe the order herein as authority to link up or merge the operating rights herein authorized to be transferred with the operating rights heretofore granted to him by the Railroad Commission.
- 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 Judy & Elliott, co-partners, 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 Beverly Gibson shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicants Judy & Elliott, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of applicants Judy & Elliott; 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 Beverly Gibson 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.

Dated at San Francisco, California, this 17th day of

September, 1926.

H. B. Brundage

C. C. Seaver

Ernest C. Scott

Leon Whitell

COMMISSIONERS