

Decision No. 17365-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
S. C. CASSIDY to sell, and W.O.SMITH,)
R. BALMAIN and J. S. GINOCCHIO to)
purchase an automobile freight and) Application
express line operated between Nevada-) No.13047
California State Line near Doyle,)
California, and Westwood, California.)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

S. C. Cassidy, in an amended application, has petitioned the Railroad Commission for an order approving the sale and transfer by him to. W. O. Smith, R. Balmain and J. S. Ginocchio, co-partners, of an operating right for the transportation of freight and express between Westwood, California, and a point on the Nevada-California boundary line near Doyle, California, and W. O. Smith, R. Balmain and J. S. Ginocchio, co-partners, have 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 attached to the amended application herein and made a part thereof. Applicants Smith, Balmain & Ginocchio also ask authority to put into effect a tariff of rates and schedules different from that now on file with the Railroad Commission in the name of applicant Cassidy, a copy of the proposed new tariff being 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 \$400, which sum is said to be the value of certain equipment.

The operating right herein proposed to be transferred was acquired by applicant Cassidy on June 11, 1924, on which date the Railroad Commission in its Decision No.13677, issued on Application No.9930, approved the transfer to Cassidy by George A. Scott of Scott's half interest in operating rights under which the partner-

ship of Scott & Cassidy, had been operating an automobile service for the transportation of freight and express between Westwood and a point on the Nevada-California State line near Doyle, California and intermediate points, as part of a service to Reno, Nevada.

We are of the opinion that this is a matter in which a public hearing is not necessary and that, so far as the petition for authority to transfer the operating right is concerned, the application should be granted. With regard to the petition for authority to put into effect the proposed new tariff of rates, we are of the opinion that it should be denied, without prejudice, however, mainly because the proposed new tariff is based on the "Western Classification", a rail line classification, which is not practicable nor acceptable to the Commission as a classification governing automobile truck line tariffs. Further, the proposed new tariff contains increases which, we believe, require justification.

IT IS HEREBY ORDERED that the above entitled application, with reference to that portion of same requesting authority to transfer an operating right for an automobile service for the transportation of freight and express between Westwood and a point on the Nevada-California state line, near Doyle, California, and intermediate points, 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 S.C. Cassidy 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- Applicants W.O.Smith, R. Balmain and J.S. Ginocchio shall immediately file, in duplicate, in their own names, tariff of rates and time schedules covering service heretofore given by applicant Cassidy, 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 applicant Cassidy 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 applicants Smith, Balmain and Ginocchio unless such vehicle is owned by said applicants, or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the application of Smith, Balmain & Ginocchio for authority to put into effect tariff of rates attached to the application herein, which tariff is based on the "Western Classification", be and the same hereby is denied without prejudice.

Dated at San Francisco, California, this 21st day of September, 1926.

H. R. Brundage
C. C. Seaver
Ernest W. East
Leon A. Whittell
Thomas S. Brown
COMMISSIONERS.