

Decision No. 17395

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HARRY SHOAP to sell, and E. A. MONTGOMERY
and F. H. GOTTWALS to purchase one half
interest in auto stage line operated between
San Bernardino and Riverside, California.

) Application
) No. 13097

BY THE COMMISSION -

OPINION and ORDER

ORIGINAL

Harry Shoap and D. C. Porter, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer to E. A. Montgomery and F. H. Gottwals of Harry Shoap's half interest in an operating right for an automobile service for the transportation of passengers between the depot of the Atchison, Topeka & Santa Fe Railway Company at San Bernardino and the depot of the same company at Riverside, and E. A. Montgomery and F. H. Gottwals have applied for authority to purchase and acquire said half-interest and with D. C. Porter to hereafter operate the service heretofore given by the partnership of Shoap & Porter, the sale and transfer to be in accordance with a bill of sale 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, of which sum \$200 is said to represent the value of the one-half interest in the operating right.

The operating right, a one-half interest in which is herein proposed to be transferred, was granted to Harry Shoap and D. C. Porter co-partners, by the Railroad Commission on December 5, 1925, as shown by the Commission's decision No. 15717, issued on Application No. 12145.

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- Applicants Shoap and Porter 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 Porter, Montgomery and Gottwals, co-partners, shall immediately file, in duplicate, in their own names, tariff of rates and time schedules covering service heretofore given by applicant Shoap, 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 Shoap, 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 Montgomery, Porter and Gottwals unless such vehicle is owned by said applicants or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 25th day of

September, 1926.

W. B. ...
O. Seavey
Leon ...
Thos. ...
COMMISSIONERS.