

Decision No. 17417

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
J. H. COTTRELL for authority to sell
and transfer and HUBERT MILLS to
acquire a passenger and light express
service operative right between the
City of San Diego and Tecate in the
State of California, and intermediate
points.

ORIGINAL

Amended Application
No. 13080

BY THE COMMISSION -

OPINION and ORDER

J. H. Cottrell, in an amended application, has petitioned the Railroad Commission for an order approving the sale and transfer by him to Hubert Mills of an operating right for an automobile service for the transportation of passengers and freight between San Diego and Tecate and intermediate points, and Hubert Mills has applied for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be made in accordance with an agreement 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 \$690, which sum is to be paid to applicant Cottrell by applicant Mills in monthly installments of \$15. Under Section 57 of the Public Utilities Act and Section 6 of the Auto Stage and Truck Transportation Act, a fee must be collected by the Railroad Commission on all evidences of indebtedness extending over a period of one year.

The operating right herein proposed to be transferred was originally granted to J. H. Cottrell by the Railroad Commission in its Decision No. 11026, dated September 26, 1922, and issued on Application No. 8160. Certain restrictions imposed by Decision No. 11026, were subsequently changed by Decisions No. 11725, 16797 and 17071.

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 the order herein shall not be construed as in any way authorizing applicant Mills to enlarge upon the operating right heretofore granted to applicant Cottrell.

2- That this order shall not become effective until there shall have been paid to the Railroad Commission the fee required by Section 57 of the Public Utilities Act and Section 6 of the Auto Stage and Truck Transportation Act on evidences of indebtedness extending over a period of twelve months, in this instance the minimum fee of \$25.

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- Applicant J. H. Cottrell 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.

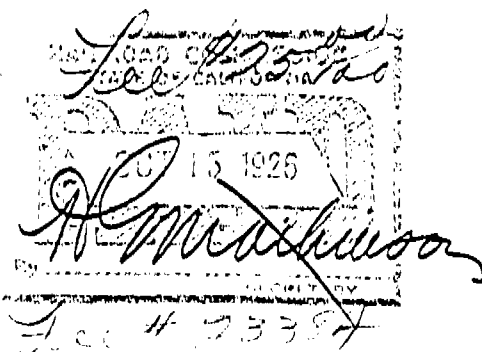
5- Applicant Hubert Mills shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by J.H. Cottrell, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of applicant J.H. Cottrell, 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 Hubert Mills 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 12th day of October,

1926.



J. H. Cottrell
Hubert Mills
Leon White
COMMISSIONERS.