

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PICKWICK STAGES SYSTEM to lease and)
sell, and HARRY PAYNE, doing business)
under the fictitious name and style) Application
of Pacific Motor Express, to rent and) No.13277
purchase, those certain operative)
rights of the former between Los Angeles)
and Temecula, and certain intermediate)
points.)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Pickwick Stages System, a corporation, has petitioned the Railroad Commission for an order approving the lease and sale by it to Harry Payne, doing business under the fictitious name and style of Pacific Motor Express, of operating rights for an automobile service for the transportation of freight between Los Angeles and Temecula and certain intermediate points, and Harry Payne, doing business under the fictitious name and style of Pacific Motor Express has applied for authority to enter into said lease and sale agreement and to hereafter operate thereunder, the lease and sale to be in accordance with a document 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 \$17,000,- \$3000 of this sum being declared by applicants to be the value of the intangibles and the balance, \$14,000, the value of certain equipment and other property.

The operating rights herein proposed to be transferred were originally established by one K. F. Beyerle. The records of the Commission show that -

In Decision No.6629 on Application No.4698, dated August 29, 1919, the Railroad Commission issued to K. F. Beyerle and Wm. A. Randle, co-partners, a certificate of public convenience and necessity authorizing the operation of an automotive truck line as a common carrier of freight between Los Angeles and Temecula, serving as intermediate points the communities of Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Marietta and Marietta Hot Springs.

In Decision No.8230 on Application No.6167, dated October 11, 1920, W. A. Randle was authorized to transfer to K. F. Beyerle his interest in said certificate.

In Decision No.10661 on Application No.7579, dated July 6, 1922, K. F. Beyerle was granted a certificate of public convenience and necessity authorizing the operation of a through freight truck service between Los Angeles and Corona, via Anaheim.

In Decisions No.11841 and 17378 on Application No.8768, Beyerle was authorized to transfer the above described rights to Pickwick Stages, Inc.,

In Decision No.15674 on Application No.11694, issued on November 21, 1925, Pickwick Stages, Inc., was authorized to transfer all of its operating rights to Pickwick Stages System.

Payne now operates an automobile service in the territory covered by the operating rights herein proposed to be leased. Granting of the instant application will relieve him of a competitor and should result in better and more efficient service to the public. Rates of both operators vary but little, if at all.

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 leased 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 Pickwick Stages System shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be leased. Such withdrawal to be in accordance with the provisions of General Order No.51.

3. Applicant Harry Payne shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicant Pickwick Stages System, 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 Pickwick Stages System, or rates and schedules satisfactory in form and substance to the Railroad Commission.

4. The rights and privileges herein authorized to be leased 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 applicant Payne 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.

6. No authority is herein conveyed for Harry Payne to merge or consolidate the operating rights herein authorized to be leased with his existing operating rights, nor is the order herein to be construed as authority for the elimination of any of the restrictions contained in certificates of public convenience and necessity heretofore granted to Harry Payne.

Dated at San Francisco, California, this 10th day of
November, 1926.

H. A. Brandiger

C. L. Lewis

Frank W. ...

Leon Whitell

COMMISSIONERS.