

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
E. C. LITTEEN to sell, and R.B.McCRARY)
to purchase an automobile (Passenger) Application No.13354
or Freight Line) operated between)
Patterson, Newman, Crows Landing and)
Modesto, California.)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

E. C. Litten has petitioned the Railroad Commission for an order approving the sale and transfer by him to R. B. Mc Crary of an operating right for an automobile service for the transportation of persons and property between Modesto and Newman and certain intermediate points and R.B. Mc Crary has 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 of sale, which agreement 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 \$1000, all of which sum is declared by applicants to be the value of intangibles.

The operating right herein proposed to be transferred was established by the Star Auto Stage Association by reason of operation prior to May 1, 1917. The original tariff filing covering the route served shows a passenger and express service, the transportation of express being limited to packages weighing not more than 100 pounds. With the approval of the Railroad Commission, as shown in Decision No.7795, dated June 24, 1920, and issued on Application No.5162, the operating right was transferred to applicant J.P.Smith. In Decision No.16742, dated May 17,1926, and issued on Application No.12830, the Commission authorized Smith to transfer the right to E.C.Litten.

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- Applicant E.C. Litten 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- Applicant R. B. Mc Crary shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicant Litten 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 Litten, 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 applicant Mc Crary 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 3^d day of December, 1926.

H. B. ...
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COMMISSIONERS.