

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
GEORGE F. HELLMUTH, operating under)
the name of SCOTT VALLEY AUTO LINE,)
to sell, and GEORGE WILLIAM SMITH,)
WILLIAM M. SMITH and RALPH B. SMITH,)
co-partners, operating under the name)
of Smiths Auto and Stage Line, to)
purchase an automobile (passenger and)
package line) operated between Yreka)
and Etna, California.)

Application
No. 13380

BY THE COMMISSION -

OPINION and ORDER

George W. Hellmuth has petitioned the Railroad Commission for an order approving the sale and transfer by him to a partnership consisting of George William Smith, William M. Smith and Ralph B. Smith of an operating right for an automobile service for the transportation of persons and property between Yreka and Etna, and George William Smith, William M. Smith and Ralph B. Smith, co-partners, have petitioned for an order authorizing them to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement 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 \$2300, of which sum \$300 is declared by applicants to be the value of the intangibles, the balance representing the value of certain equipment involved.

The operating right herein proposed to be transferred was originally established by applicant Hellmuth and E.R. Steele prior to May 1, 1917, as shown by tariffs filed with the Railroad Commission. The tariffs show that the partners

were operating between Yreka and Etna Mills and the intermediate points of Fort Jones and Greenview an automobile service for the transportation of passengers and packages and baggage. On May 5, 1922, as shown by the Commission's Decision No. 10422, issued on Application No. 7805, Steele transferred his interest in the operating right to Hellmuth. After acquiring his partner's interest Hellmuth filed a tariff in his own name which does not carry a rate for the transportation of packages, and no package rate is carried in the subsequent tariff filings by Hellmuth. The right herein sought to be transferred, on this record, authorizes the transportation only of passengers and baggage, the package right having been abandoned.

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 Hellmuth 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 George William Smith, William M. Smith and Ralph E. Smith, shall immediately file, in duplicate, in their own names, tariff of rates and time schedules covering service heretofore given by applicant Hellmuth, 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 Hellmuth, 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 George William, William M. and Ralph E. Smith unless such vehicle is owned by said applicants, or is leased by them under a a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 20th day of December, 1926.

H. B. Brundage

C. Leavelle

Ernest W. Smith

Paul D. Curtis

COMMISSIONERS.