

Decision No. 17804

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CLYDE S. DAYTON to sell, and) Application
 PASQUALE CALCAGNO to purchase an) No.13393
 automobile (passenger or freight line))
 operated between Bradley, Cal. and)
 Bryson, California.)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Clyde S. Dayton has petitioned the Railroad Commission for an order authorizing him to sell and transfer to Pasquale Calcagno an operating right for an automobile service for the transportation of passengers and freight between Bradley and Bryson, and Pasquale Calcagno has petitioned for an order authorizing him to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be 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 the sum of \$40 which is declared by applicants to be the value of the intangibles.

The operating right herein proposed to be transferred was originally granted by the Railroad Commission to W. F. Walter who, in Decision No.5802, dated September 26, 1918, and issued on Application No.4087, was authorized to operate an automobile service for the transportation of passengers and freight between Bradley and Bryson and intermediate points, via Pleyto. On September 2, 1922, as shown by the Commission's Decision No.10940, issued on Application No.8212, WALTER transferred the operating right to Clyde S. Dayton, one of the applications herein.

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 Clyde S. Dayton 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 Pasquale Calcagno shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicant Dayton, 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 Dayton, 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 Calcagno 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 23^d day of December, 1926.

H. B. ...
O. J. ...
Ernest ...
Thos. S. ...
 COMMISSIONERS.