

Decision No. 17835

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GEO. WM. SMITH to sell, and RALPH B. SMITH)
and WILLIAM M. SMITH to purchase an auto -)
mobile passenger and freight line operated) Application
between Etna and Forks of Salmon, and also) 13396
a similar line operated between Orleans Bar)
and Forks of Salmon via Somec Bar,)
Siskiyou County, State of California.)

BY THE COMMISSION -

OPINION and ORDER

ORIGINAL

George William Smith has petitioned the Railroad Commission for an order authorizing him to transfer to Ralph B. Smith and William M. Smith a one-half interest in operating rights for an automobile service for the transportation of passengers and freight between Etna and Orleans and intermediate points, and Ralph B. Smith and William M. Smith have applied for authority to purchase and acquire said one-half interest in said operating rights and with George William Smith to continue the operation of the automobile service now being operated by George William Smith under the name and style of Smith's Auto Stage Lines, 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, a one-half interest in which is herein proposed to be transferred, is given as \$7000, of which sum \$500 is declared by applicant to be the value of intangibles, the balance representing the value of certain equipment.

The operating rights herein proposed to be transferred were established, in part, by George Wm. Smith, by operation prior to May 1, 1917, and in part under authority of the Railroad Commission, as shown by a certificate of public

convenience and necessity granted by Decision No.5575, dated July 15,1918, and issued on Application No.3935, Decision No.5575 authorized passenger and freight service between Etna and Forks of Salmon. George Wm. Smith operated prior to May 1, 1917, between Forks of Salmon and Somec Bar (Langford's Ranch) and between Orleans and Harley Ranch via Langford's Ranch. Subsequently, (Decision No.11632, dated February 9, 1923, and issued on Application No.8627), Smith obtained from the Commission authority to operate between Harley Ranch and Blue Nose. Under authority of Decision No.12754 dated October 25, 1923, and issued on Application No.9452, Smith transferred to David Drake his operating right between Somec Bar and Blue Nose. The operating rights involved herein, then, cover service only between Etna and Orleans, via Somec Bar, which service is performed by Geo. Wm. Smith under authority of what is generally referred to as a prior right and the certificate granted by the Railroad Commission in Decision No.5575.

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 order herein shall not be construed as authorizing applicants to link up or join^{the} operating rights involved herein with the right recently acquired by applicants from Geo. F. Hellmuth, which right authorizes service between Yreka and Etna.

2- 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.

3- Applicant George William Smith shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, a one-half interest in the certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No.51.

4- Applicants George William Smith, William M. Smith and Ralph B. Smith shall immediately file, in duplicate, in their own names, tariff of rates and time schedules covering service heretofore given by applicant George William Smith, 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 George W. Smith, or rates and schedules satisfactory in form and substance to the Railroad Commission.

5- 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.

6- No vehicle may be operated by applicants George William Smith, William M. Smith and Ralph B. Smith unless such vehicle is owned by said applicants, or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 5th day of

January 1927

H. B. ...
C. ...
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Leon ...
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COMMISSIONERS.