

Decision No. 17918

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GERALD CUNEO to sell, and CHARLES E. STEWART
 to purchase automobile passenger and
 express service line operated between Valley
 Springs and Mokelumne Hill, California.

) Application
 No.13322

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Gerald Cuneo has petitioned the Railroad Commission for an order authorizing the sale and transfer by him to Charles E. Stewart of an operating right for an automobile service for the transportation of persons and property between Valley Springs and Mokelumne Hill, and Charles E. Stewart has applied for authority to purchase and acquire said operating right and to hereafter operate thereunder.

The consideration to be paid for the property herein proposed to be transferred is given as the nominal sum of \$15.

The operating right herein proposed to be transferred was acquired by applicant Cuneo by purchase from Frank P. Mc Carty, the Railroad Commission, in its Decision No.11082, dated October 7, 1922, and issued on Application No.8275, approving the transfer. In accepting the operating right Cuneo expressly declared, as he was required to do by the Commission in its order, that he fully understood the terms of the operating right transferred which limited the service authorized by the Commission to be given by Mc Carty to the transportation of passengers and baggage. (See Application No.4104, Decision No.11082, dated October 7, 1922.) Mc Carty, notwithstanding the limitations contained in his certificate, offered for filing a tariff showing package and express rates, and , through an inadvertence, it was accepted.

In the instant application the declaration is made that "Gerald Cuneo is at the present time engaged in the operation of an automobile stage line for the transportation of passengers and express or freight between Valley Springs and Mokolamme Hill under a permit heretofore granted by the Railroad Commission on Application No. 8275." The operating right herein proposed to be transferred authorizes a service for the transportation of passengers and baggage only, and applicant Stewart must, therefore, limit the service he proposes to operate under the certificate herein acquired to such a service.

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 Gerald Cuneo 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 Charles E. Stewart shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service for the transportation of passengers and baggage, which rates and time schedules shall be identical (insofar as they refer to the transportation of passengers and baggage), with the rates and time schedules now on file with the Railroad Commission in the name of applicant Cuneo, 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 Stewart 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 18th day of
~~November 1927~~. January, 1927.

H. B. Randall
Ernest J. Scott
C. S. ...
Leon Whitell
Thos. ...
COMMISSIONERS.