

Decision No. 17926

CONFIDENTIAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of HUTCHENS and BURGARD, a co-partnership, to sell, and J. J. BURGARD to purchase an automobile passenger, freight and or mail line, operated between Bridgeville and Ruth, and return, California.)
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) Application No. 13478
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)

BY THE COMMISSION -

OPINION and ORDER

J. J. Burgard and H. C. Hutchens, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer by the partnership to J. J. Burgard of an operating right for an automobile service for the transportation of persons and property between Bridgeville, County of Humboldt, and Ruth, County of Trinity, and J. J. Burgard 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 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 \$1650, of which sum \$650 is said to be the value of certain equipment. The balance, \$1000, is declared by applicants to be the value of intangibles.

The operating right herein proposed to be transferred was originally granted to George Grant Cuddeback by the Railroad Commission in its Decision No. 7536, dated May 3, 1920, and issued on Application No. 5576. It authorized the transportation of passengers and freight between Bridgeville and Ruth. With the approval of the Commission, Cuddeback, on September 23, 1920, (Decision No. 8169 on Application No. 6069), transferred the operating right to Charles E. Wilkinson, Jr., and on April 17, 1924, as shown by Decision No. 13426, issued on Application No. 9952,

Wilkinson transferred the right to Henry C. Hutchens and J. J. Burgard, co-partners, and applicants in the instant proceeding.

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. Hutchens, for the partnership of Hutchens and Burgard, 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 J. J. Burgard shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicants Hutchens and Burgard, 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 applicants Hutchens and Burgard, 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 J.J.Burgard 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 26th day of January, 1927.

Ernest G. ...
H. B. ...
C. ...
Thomas S. ...
COMMISSIONERS.