

Decision No. 17944**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 A. FRANDRUP to sell, and O. N. PAULY)
 to purchase an automobile (passenger) Application No. 13488
 or freight line) operated between)
 Marysville and La Porte, California.)

BY THE COMMISSION -

OPINION and ORDER

A. Frandrup has petitioned the Railroad Commission for an order approving the sale and transfer by him to O. N. Pauly of an operating right for an automobile service for the transportation of passengers and freight between Marysville and La Porte and intermediate points, and O. N. Pauly 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 \$200, all of which sum, applicants declare, is the value of intangibles.

The operating right herein proposed to be transferred was originally granted to Henry M. Bowen, the Railroad Commission; in its Decision No. 7687, dated June 8, 1920, and issued on Application No. 5739, authorizing Bowen to transport passengers and freight between Marysville and La Porte and the intermediate points of Bangor, Rackerby, Brownsville, Challenge, Woodleaf, Clipper and Strawberry Valley. On July 20, 1922, (see Decision No. 10740, issued on Application No. 8069) Bowen transferred the operating right to A. Frandrup, one of the applicants 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 A. Frandrup 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 O. N. Pauly shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicant Frandrup, 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 Frandrup 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 O. N. Pauly 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 28th day of January, 1927.

Ernest West
John A. Brundage
Clarence
Leon Whitell

COMMISSIONERS.