

Decision No. 18072**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 F. A. MINAKER to sell, and RAY O. HOLLOWAY) Application
 to purchase an automobile passenger and) No. 13568
 freight line between the city of Porterville)
 and Camp Nelson in Tulare County, California.)

BY THE COMMISSION -

OPINION and ORDER

E. A. Minaker and Ray O. Holloway, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer by F. A. Minaker of his one-half interest in an operating right for an automobile service for the transportation of passengers and property between Porterville and Camp Nelson and the purchase by Ray O. Holloway of said one-half interest, Holloway proposing to continue the operation of the service as sole owner. The sale and transfer is 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 given as \$708.13, all of which sum is said to represent the value of equipment, no value being claimed for intangibles.

The operating right herein proposed to be transferred was originally granted by the Railroad Commission to Charles B. Smith, by Decision No. 10021, dated January 30, 1922, and issued on Application No. 7390. In that decision the Commission declared that public convenience and necessity required the operation by Smith of an automobile service for the transportation of passengers, express and freight between Porterville and Camp Nelson and between Springville and Camp Nelson but not between Porterville and Springville or any intermediate points.

By Decision No.12092, dated May 19, 1923, and issued on Application No.8792, Smith was authorized to serve between Porterville and Springville, the service to be seasonal daily from approximately June 15th to September 15th of each year, three times a week between September 15th and October 15th and by appointment the rest of the year. Minaker and Holloway acquired the operating rights described herein on May 12, 1925, the Commission approving the transfer in its Decision No.14909 issued on Application No.11040.

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- Applicants F. A. Minaker and Ray O. Holloway, as a partnership, shall immediately unite with applicant Ray O. Holloway in common supplement to the tariffs on file with the Commission, applicants Minaker & Holloway on the one hand withdrawing, and applicant Ray O. Holloway on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicants F.A.Minaker and Ray O. Holloway, co-partners, shall immediately withdraw time schedules filed in their name with the Railroad Commission and applicant Ray O.Holloway shall immediately file, in duplicate, in his own name, time schedules covering service heretofore given by applicants Minaker and Holloway, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicants Minaker and Holloway, or time schedules satisfactory 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 R.O.Holloway unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 14th day of March, 1927.

Wm. J. East
John B. Sandifer
Leon C. Whitely
Thos. S. Kertel

COMMISSIONERS.

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