

Decision No. 18221

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. W. SCHMITT and E. NICHOLSON to sell)
and A. W. SCHMITT to purchase an automobile) Application
passenger or freight line, operated between) No.13635
Livermore and Arroyo Sanitarium, California.)

BY THE COMMISSION -

OPINION and ORDER

H. Nicholson has petitioned the Railroad Commission for an order approving the sale and transfer by him to A. W. Schmitt, his partner, of a one-half interest in an operating right for an automobile service for the transportation of passengers and freight between Livermore and Arroyo and intermediate points, and A. W. Schmitt has applied for authority to purchase and acquire said one-half interest in said operating right and to hereafter operate said service under said certificate as sole owner, the sale and transfer to be in accordance with an agreement of sale 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 \$2900, of which sum applicants declare \$1900 represents the value of certain equipment and \$1000 the value of intangibles.

The operating right herein proposed to be transferred was originally granted by the Railroad Commission to A. W. Schmitt, one of the applicants herein, and F. L. Warren (Decision No.13039, dated January 12, 1924, and issued on Application No.9684). On September 8, 1924, the Commission, in its Decision No.14031, issued on Application No.10449, approved the transfer by Warren to H. Nicholson of his half interest, vesting the ownership of the operating right in the partnership of Schmitt & Nicholson, 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.

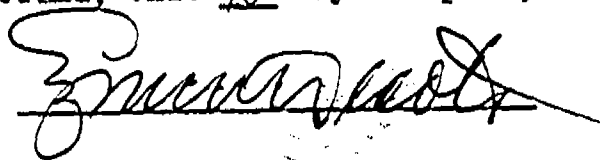
2- Applicant Schmitt & Nicholson shall immediately unite with applicant A. W. Schmitt in common supplement to the tariffs on file with the Commission, applicant Schmitt & Nicholson on the one hand withdrawing, and applicant A.W. Schmitt on the other hand accepting and establishing such tariffs and all effective supplements thereto.

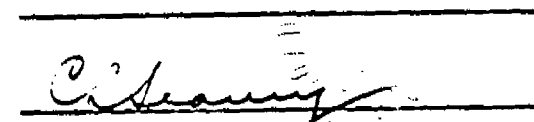

3- Applicant Schmitt & Nicholson shall immediately withdraw time schedules filed in their name with the Railroad Commission and applicant A. W. Schmitt shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicants Schmitt & Nicholson, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicants Schmitt & Nicholson, 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 A. W. Schmitt 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 13th day of April, 1927.



COMMISSIONERS.