

Decision No. 18246

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 R. C. DEAR to sell, and CHARLES E. SANSOME
 to purchase an automobile passenger and
 express line operated between Taft, Fellows
 and Mc Kittrick, California.

ORIGINAL
) Application
) No. 13626
)

BY THE COMMISSION -

OPINION and ORDER

R. C. Dear has petitioned the Railroad Commission for an order approving the sale and transfer by him to Charles E. Sansome of an operating right for an automobile service for the transportation of persons and property between Taft, Fellows and Mc Kittrick and Charles E. Sansome has asked 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 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 \$1500, all of which sum is said to represent the value of intangibles.

While the application herein refers to an operating right authorizing the transportation of passengers and express, the records of the Commission indicate that the right sought to be transferred authorizes the transportation of passengers and baggage only. Rhyne & Rhyne, predecessors in interest to R.C. Dear, were never authorized by the Railroad Commission to transport express between Taft, Fellows and Mc Kittrick. True, there is on file with the Commission, in the name of the Dear Stage Lines, a tariff showing package rates between Taft, Fellows and McKittrick, but there is no record of a Commission order or decision authorizing the establishment of a package service in connection with the passenger service between the above named points. The Commission erred in accepting the Dear tariff and the previous

filing of Rhyne & Rhyne quoting package rates. C. R. C. No.1 of Rhyne & Rhyne, effective March 1, 1917, which, by showing operation prior to May 1, 1917, established part of the operating right herein proposed to be transferred (between Fellows and Taft), shows only passenger and baggage rates. No package or express rates are shown in C.R.C. No.2, cancelling C.R.C. No.1, (effective March 23, 1918), filed by Rhyne & Rhyne. By Decision No.7751, dated June 19, 1920, and issued on Application No.5450, Rhyne & Rhyne, co-partners, were authorized to extend their service from Fellows to Mc Kittrick. The order of the Commission authorized them to operate an "automobile stage line as a common carrier of passengers". C.R.C. No.3 by Rhyne & Rhyne Stage Company, cancelling C.R.C. No.2, filed to cover service and rates to be given and charged under the right as enlarged by Decision No.7751, shows a rate for transporting packages, which rate covers a service Rhyne & Rhyne had no authority to establish. This tariff should have been rejected by the Railroad Commission. When Rhyne & Rhyne sold their business to Dear (the Commission approving the transfer of the operating right in its Decision No.11616, issued on Application No.8405) Dear filed in his own name a tariff showing the package rates filed without authority by Rhyne & Rhyne.

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, but only to the extent of approving the transfer of an operating right for the transportation of passengers and baggage.

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 Dear shall immediately withdraw tariffs on file in his name and applicant Sansome shall immediately file in his own name tariffs identical with the tariffs on file in the name of Dear, eliminating, however, that part of the Dear

tariff quoting express rates, the publication of said express rates never having been legally authorized.

3. Applicant Dear shall immediately withdraw time schedules filed in his name with the Railroad Commission and applicant Sansome shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicant Dear, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Dear 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 Sansome 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.

6. No authority is herein conveyed authorizing C. E. Sansome to link up or join operating right herein authorized to be transferred with other operating rights now owned or leased by him.

Dated at San Francisco, California, this 16th day of April, 1927.

Emmuel
H. B. Bouding
C. S. S. S.
Leon
Thor
COMMISSIONERS.