

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CARL W. LEWIS to conditionally sell,
and A. J. TUCKER and B. C. TUCKER to
conditionally purchase an automobile
passenger and freight line, operating
between Etna and Gazelle, California.

)
)
) Application
) No.13648
)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Carl W. Lewis has petitioned the Railroad Commission for an order approving a lease-sale agreement under which he proposes to lease and sell to A. J. Tucker and B. C. Tucker, co-partners, an operating right for an automobile service for the transportation of passengers and property between Etna and Gazelle, and A. J. Tucker and B. C. Tucker, co-partners, have asked for authority to enter into said lease-sale agreement and to hereafter operate said service. The agreement, a copy of which is attached to the application herein, provides that at the termination of the lease period, A. J. Tucker and B.C.Tucker may exercise an option to buy said operating right.

The consideration to be paid for the property herein proposed to be leased and sold is the sum of \$5000, of which sum \$1000 is said to represent the value of intangibles, the balance representing the value of the equipment involved.

The operating right herein proposed to be leased and sold was originally established by one C. A. Tyler, who, according to tariffs on file with the Commission, operated prior to May 1, 1917. On June 1, 1920, Tyler transferred the operating right to C. W. Lewis, the Commission approving the transfer in its Decision No.7654, issued on Application No.5716.

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 C. W. Lewis shall immediately unite with applicants A. J. and B. C. Tucker in common supplement to the tariffs on file with the Commission, applicant Lewis on the one hand withdrawing, and applicants A. J. and B. C. Tucker on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant C. W. Lewis shall immediately withdraw time schedules filed in his name with the Railroad Commission, and applicants A. J. and B. C. Tucker shall immediately file, in duplicate, in their own names, time schedules covering service heretofore given by applicant C. W. Lewis which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Lewis, 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. J. and B. C. Tucker unless such vehicle is owned by said applicant or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 13th day of May, 1927.

Edmund
H. B. Sandigo
C. Seaman
Leon Whitehall
Thos. D. Keston
COMMISSIONERS.