

Decision No. 18452

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SILAS J. BIVINS to sell, and) Application No.13810
WESLEY H. FOST to purchase an auto-)
mobile freight line operated between)
Blythe and Palo Verde, California.)

BY THE COMMISSION -

OPINION and ORDER

Silas J. Bivins has applied to the Railroad Commission for an order approving the sale and transfer by him to Wesley H. Fost of an operating right for an automobile service for the transportation of property between Blythe and Palo Verde, and Wesley H. Fost 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, a copy of which 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 \$150, all of which sum, applicants declare, represents the value of intangibles.

The operating right herein proposed to be transferred was granted to applicant Bivins by the Railroad Commission in its Decision No.17590, dated November 10, 1926, and issued on Application No.12970. It authorizes an automobile service for the transportation of freight between Blythe and Palo Verde and intermediate points, the only intermediate point named in the tariff accompanying the application on which the certificate was issued is the town of Ripley.

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 Silas J. Bivins shall immediately unite with applicant Wesley H. Pfost in common supplement to the tariffs on file with the Commission, applicant Bivins on the one hand withdrawing, and applicant Pfost on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Bivins shall immediately withdraw time schedules filed in his name with the Railroad Commission and applicant Pfost shall immediately file, in duplicate, in his own name, time schedules covering service heretofore given by applicant Bivins, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Bivins, 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 Pfost 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 1st day of June,

1927.

H. P. Boudiga
D. Seavey
Thos. R. Powell
COMMISSIONERS.