

Decision No. 18481

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
E. GEORGINE ROOT, Administratrix of)
the estate of A. H. ROOT, deceased,)
to sell, and LESLIE T. ALWARD to)
purchase an automotive stage line,) Application
and of LESLIE T. ALWARD for certifi-) No. 13812
cate of public convenience and)
necessity consolidating operative)
rights.)

BY THE COMMISSION -

OPINION and ORDER

E. Georgine Root, Administratrix of the estate of A. H. Root, deceased, has petitioned the Railroad Commission for an order approving the inheritance by her of the one-half interest of A. H. Root in operating rights for the transportation of passengers and property between Redding and Weaverville and Big Bar and intermediate points, and for an order approving the sale and transfer by her to Leslie T. Alward, surviving partner of the partnership of Alward & Root, of the said one-half interest. Leslie T. Alward has applied for authority to purchase and acquire said one-half interest in the several operating rights heretofore acquired by the partnership of Alward & Root, the sale and transfer to be in accordance with Exhibits A, B, C and D, which exhibits are attached to the application herein and made a part thereof. Applicant Alward further petitions for an order of the Commission authorizing the consolidation of the various rights involved and the issuance to him of a certificate of public convenience and necessity covering service to all points now served by him, said certificate to be in lieu of and not in addition to existing operating rights.

The consideration to be paid for the property herein proposed to be transferred is given as \$11,925, of which sum \$1000

is said to represent the value of intangibles. This sum, according to an order issued by the Superior Court of the County of Shasta confirming sale of said property by said E. Georgine Root as Administratrix of the estate of A.H.Root, a copy of said order being attached to the application herein, is the sum received by said Administratrix from said Leslie T. Alward for the properties herein proposed to be transferred. A certified copy of the appointment by the Superior Court of the County of Shasta of E. Georgine Root as Administratrix of the estate of A. H. Root is also attached to the application herein.

The records of the Railroad Commission show that the partnership of Alward & Root established, through operation prior to May 1, 1917, and the proper filing of tariffs and time schedules, an operating right for the transportation of passengers and freight between Redding and Weaverville and the intermediate points of Shasta, Stella, Oak Bar, Tower House, French Gulch, Summit, Deadwood and Lewiston. The partners also operated an automobile service between French Gulch and Carrville, which service, however, was subsequently abandoned and the operating right revoked. (See Application No.4430). By Decision No.12221, dated June 19, 1923, and issued on Application No.8889, the Commission authorized the partnership of Alward and Root to extend the Redding-Weaverville service to Big Bar, serving as intermediate points Junction City and Helena, the order, however, providing only for a passenger and express service. By Decision No.13681, dated June 11, 1924, and issued on Application No.10141, the Commission authorized Alward & Root to operate a freight service between Redding and Weaverville, serving Lewiston, DredgeCamp and other intermediate points." The tariff filed with the application shows as intermediates the points of Schilling, French Gulch, Lewiston and Dredge Camp. By Decision No.15444, dated September 25, 1925, and issued on Application No.11697, Alward & Root acquired from C.W.Bremer operating rights for a passenger and freight service between

Weaverville and Big Bar and intermediate points.

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 inheritance by E. Georgine Root of a one-half interest in the operating rights for an automobile service for the transportation of persons and property heretofore granted to A. E. Root, her husband, as a partner in the firm of Alward & Root be and the same hereby is approved.

IT IS HEREBY FURTHER ORDERED that the sale and transfer of said one-half interest in said operating rights by said E. Georgine Root, as Administratrix of the estate of A.E. Root, deceased, to Leslie T. Alward, surviving partner of the firm of Alward & Root, be and the same hereby is approved.

We are of the further opinion and hereby find as a fact that public convenience and necessity require the operation by Leslie T. Alward of an automobile service for the transportation of passengers, freight, express and baggage between Redding and Big Bar and intermediate points.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Leslie T. Alward of an automobile service for the transportation of passengers, freight, express and baggage between Redding and Big Bar and the intermediate points of Shasta, Stella, Oak Bar, Tower House, French Gulch, Summit, Deadwood, Lewiston, Weaverville, Dredge Camp, Schilling, Junction City, and Helena, and

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such a service be and the same hereby is granted to Leslie T. Alward, with the understanding, however, that said certificate is issued in lieu of and not in addition to the operating rights heretofore acquired by said Leslie T. Alward, and which are more fully described else-

where in the opinion and order herein, and subject to the following conditions:

1- Leslie T. Alward, for and in behalf of the partnership of Alward & Root and E. Georgine Root, Administratrix of the estate of A.H. Root, shall immediately withdraw rates and time schedules on file with the Railroad Commission in the name of Alward & Root, co-partners.

2- Applicant Alward shall file his written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the date hereof, which acceptance shall contain a declaration that applicant Alward accepts said certificate of public convenience and necessity with the understanding that said certificate is in lieu of and not in addition to operating rights heretofore acquired by him.

3- Applicant Alward shall file, in duplicate, immediately, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those now on file with the Railroad Commission in the name of Alward & Root, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.

4- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5- No vehicle may be operated by applicant herein 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.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of June, 1927.

W. H. B. Bunnidge
O. J. Seaver
L. W. Whitall

COMMISSIONERS.