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Decision No. 21870

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of )  
 PICKWICK STAGES SYSTEM to purchase, and )  
 PICKWICK STAGES, INC., to sell certain )  
 franchises and assets; the former to )  
 purchase and MURRIETTA MINERAL HOT SPRINGS )  
 AUTO STAGE LINE, a corporation, to sell )  
 the franchises and assets of the last )  
 named corporation; and the application )  
 of PICKWICK STAGES SYSTEM to issue and sell ) Application No. 11,694  
 Two Hundred Eighty-one Thousand, Nine )  
 Hundred Dollars (\$281,900) par value of its )  
 common capital stock and to consolidate the )  
 franchises of PICKWICK STAGES, INC., with )  
 the franchises of MURRIETTA MINERAL HOT )  
 SPRINGS AUTO STAGE LINE. )

E. Thompson for Pickwick Stages, Inc.

CARR, Commissioner:

O P I N I O N

Decision No. 15674 (27 C.R.C. 238, dated November 21, 1925) in the above entitled proceeding, provided in part that "the operating rights heretofore granted to Pickwick Stages Inc. \*\*\*\*are authorized to be transferred to Pickwick Stages System, a corporation." It further provided that Pickwick Stages Inc. should immediately cancel the tariffs of rates and time schedules filed with the Commission, Pickwick Stages System to immediately issue tariffs in its own name.

On October 14, 1929, Pickwick Stages Inc. filed a supplemental application, reciting that all operative rights hitherto owned or possessed by petitioner had been duly assigned

to Pickwick Stages System, in accordance with the above decision, and that petitioner has acquired no further operative rights and is not now operating any transportation business. An order is sought "authorizing and stating" that petitioner "is no longer engaged in any business which would subject it to the jurisdiction of the Railroad Commission of California and that it is no longer in any respect subject to such jurisdiction."

Because of the nature of the order requested, a public hearing was held on November 29, 1929. No witnesses testified, but counsel for petitioner stated that the reason for the application was to definitely establish the fact that Pickwick Stages Inc. is no longer engaged in a public utility or common carrier business. The company contemplates entering upon other business activities not of a public utility character.

The records of the Railroad Commission show that Pickwick Stages Inc. has transferred its operative rights to Pickwick Stages System, that it has no rate tariffs or time schedules on file, and there is no indication in the records of the Commission that that company is rendering any public utility or common carrier service. While Decision 15674 does not specifically authorize Pickwick Stages Inc. to abandon common carrier service, permission to transfer all operative rights impliedly at least grants such authorization. Should a company under these circumstances continue common carrier operation in the absence of a certificate, such operation would be unlawful.

It appears that what is desired is some finding

that Pickwick Stages Inc. has complied with the prior order by transferring its operative rights as authorized and by cancelling its tariffs and time schedules. While, under the record, there is no order which the Commission can make except one of dismissal, it is proper to state here that our records show that petitioner has complied with the prior order. Our order of dismissal, together with this opinion, should sufficiently meet the desire of petitioner.

I therefore recommend the following form of order:

O R D E R

Pickwick Stages Inc. having filed a supplemental application in the above proceeding, hearing having been held, the matter being under submission, and

Good cause appearing,

IT IS HEREBY ORDERED that said Supplemental Application be and the same is hereby dismissed.

The foregoing opinion and order is hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 6th day of December, 1929.

Thos. L. Lott  
W. C. Sawyer  
Wm. W. Smith  
Leon C. Currier  
Wm. A. Linn  
Commissioners