

Decision No. 10078.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)	
B. W. SPAGNOLI to sell and Wm. V.		
HOGAN to purchase an automobile	:	Application No. 7536
passenger stage line operated between)	
Concord and Avon, California.		

BY THE COMMISSION,

O R D E R

In this proceeding B. W. Spagnoli petitions the Railroad Commission for an order authorizing him to sell and Wm. V. Hogan for an order authorizing him to purchase a one-half interest in a certain automobile stage line operated as a common carrier of passengers between Concord and Avon in Contra Costa County, State of California.

The operative right, one-half interest in which it is herein proposed to transfer, was obtained by B. W. Spagnoli under Decision No. 7788 dated July 1st, 1920, which operative right authorizes the operation of an automobile stage line as hereinabove specified.

In addition to the transfer of one-half interest in the operative right, it is also proposed to transfer a one-half interest in a 1920 and 1921 Chevrolet truck and the sum of \$1,000.00 is given as the consideration to be paid for such one-half interest in the property above specified, no portion of the said amount of \$1,000.00 to represent a value of the interest in the operative right herein proposed to be transferred.

In authorizing the transfer of a one-half interest in an operative right as herein applied for, it will be distinctly understood that the Railroad Commission is not authorizing the transfer

of a portion of this operative right as a unit, but is authorizing the transfer of the operative right from applicant Spagnoli as an individual to applicants Spagnoli and Hogan as a co-partnership and that operation hereafter will be continued under such co-partnership in place of the operation as heretofore conducted by B. W. Spagnoli as an individual, and

It appearing to the Commission 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. That 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. That applicant B. W. Spagnoli, as an individual, shall immediately cancel all tariff of rates and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

3. That applicants B. W. Spagnoli and Wm. V. Hogan, as a co-partnership, shall immediately file tariff of rates and time schedules, in duplicate, in their own names, or adopt as their own the tariff of rates and time schedules heretofore filed with the Railroad Commission by applicant B. W. Spagnoli, as an individual, all rates and time schedules to be identical with those filed by applicant Spagnoli.

4. That the rights and privileges herein authorized to be transferred 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. That no vehicle may be operated by applicants Spagnoli and Hogan, a co-partnership, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 8th day of February, 1922.

H. C. Brundage
H. A. Loveland
David W. Howell
W. J. Sullivan
COMMISSIONERS.