

Decision No. 10137

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
JOHN NELSON, GEORGE H. HARTER,)
C. L. SIMONDS and O. A. MOON for the :
approval of two certain agreements :
to transfer certain operative rights)
to operate auto stage lines between :
Santa Cruz and Salinas via Watsonville :
and between Castroville and Monterey.)

Application No. 7590

BY THE COMMISSION,

ORDER

In the above entitled application John Nelson and George H. Harter, as individuals, petition the Railroad Commission for an order authorizing them to transfer the operative rights held by each individually to C. L. Simonds and O. A. Moon as a co-partnership.

The operative rights herein proposed to be transferred consist of certificates declaring that public convenience and necessity require the operation by John Nelson and George H. Harter of automobile stage lines as common carriers of passengers between Santa Cruz and Salinas via Watsonville and between Castroville and Monterey and were obtained by the proposed sellers under the following numbered orders:

Under Decision No. 7550 in Applications Nos. 5586 and 5587, George H. Harter and John Nelson were each granted, individually, certificates authorizing the operation of an automobile stage line as a common carrier of passengers between Salinas and Santa Cruz via Watsonville. Under Decision No. 8844 in Application No. 6464, dated April 9th, 1921, George H. Harter and John Nelson were each granted certificates authorizing the extension of their then existing service between Santa Cruz and Salinas from Castroville to Monterey.

The consideration to be paid for the property herein proposed to be transferred is given by applicants as the sum of \$9,400.00 and includes in addition to the operative rights above mentioned two Pierce Arrow touring cars owned by John Nelson and one Studebaker touring car owned by George H. Harter, together with miscellaneous equipment used in the operation of such service. In their verified petition herein, applicants claim that the value of the stage business proposed to be transferred is greatly in excess of the consideration to be paid therefor, but the proposed purchasers C. L. Simonds and O. A. Moon will not claim before the Railroad Commission or any other regulatory body in any application for the fixing of rates, a sum for said operative rights in excess of the actual cost therefor to the original grantees.

Both of the proposed purchasers are experienced in the operation of automobile stages and it is our belief that the service rendered to the traveling public between the points served by the lines hereinunder consideration will not suffer should the present application be granted.

Believing 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 proposed 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 applicants John Nelson and George H. Harter, as individuals, shall immediately cancel all tariff of rates and time schedules heretofore filed with the Railroad Commission covering service under operative rights herein authorized to be transferred to applicants C. L. Simonds and O. A. Moon.

3. That applicants C. L. Simonds and O. A. Moon, as co-partners, shall immediately file, in duplicate, in their own name tariff of rates and time schedules exactly the same as the tariff of rates and time schedules heretofore filed by Nelson and Harter as individuals.

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 Simonds and Moon 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 27th day of February, 1922.

H. B. Quader
H. T. L. L. L.
Deering Martin
W. T. L. L.
Commissioners