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Decision No. 10159

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
MRS. W. E. TIBBETTS to sell and )  
W. A. FUGITT to purchase an automobile : Application No. 7653  
passenger, freight, baggage and )  
express line operated between Kernville, )  
California and Bakersfield, California. :  
)

BY THE COMMISSION,

O R D E R

In this proceeding entitled as above Mrs. W. E. Tibbetts has made application to the Railroad Commission for an order authorizing her to sell and W. A. Fugitt for an order authorizing him to purchase the interest of Mrs. W. E. Tibbetts in an automobile stage line operated as a common carrier of passengers, freight, baggage and express between Kernville and Bakersfield, California.

The operative right, an interest in which it is herein proposed to transfer, was originally granted under Decisions Nos. 7294 and 8718 dated March 22, 1920 and March 9, 1921, respectively. Decision No. 7294 granted to Tibbetts and Hand a certificate of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers and freight between Kernville and Caliente and intermediate points. Decision No. 8717 authorized the same parties to extend their existing service between Kernville and Caliente to Bakersfield, provided that no local passengers would be handled between Caliente and Bakersfield or intermediate points, which were at the time and are now served by the Southern Pacific Company.

Applicants state that the consideration to be paid for the property herein proposed to be transferred is the sum of \$3,000.00, all of which represents equipment at present in use in connection with the stage business and that no part thereof represents payment for the operative right or any other intangible right. Exhibit "A" attached to the application herein, shows as equipment proposed to be transferred two 3-ton Packard trucks, one 1½-ton Packard combination freight and passenger vehicle; two twin six Packard touring cars; one Reo Speed Wagon, together with miscellaneous equipment.

Transfer of applicant Tibbetts' interest in the operative right herein proposed to be transferred is consented to by Charles A. Hand, a co-partner of applicant Tibbetts.

In view of the above circumstances, this Commission is 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. That the consideration to be paid for the property herein authorized to be transferred shall not be binding upon this Commission or any other rate fixing body as a measure of value for rate fixing or any purposes other than the transfer herein authorized.

2. That applicants W. E. Tibbetts and Charles A. Hand, co-partners, shall immediately cancell all tariff of rates and time schedules at present on file with the Railroad Commission.

3. That applicants Charles A. Hand and W. A. Fugitt, co-partners shall immediately file in duplicate, tariff of rates and time schedules, identical with the tariff of rates and time schedules at present on file covering the operation of an automobile stage line, an interest in which is hereby authorized to be transferred.

4. That the rights and privileges hereby authorized to be transferred, shall 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 Hand and Fugitt, 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 29th  
day of March, 1922.

H. W. Brundage

Charles H. Hooper

W. A. Demerutis  
Commissioners