

McS

Decision No. 10321

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

ORIGINAL

In the Matter of the Application of  
C. E. MEANS to sell and G. LAWRENCE  
RITCHIE to purchase an automobile  
stage line operated as a common  
carrier of freight and passengers  
between San Diego, Warners Springs,  
Montezuma and Oak Grove.

)  
:  
:  
Application No. 7625  
)  
:  
:  
)

C. E. Means for applicants  
Warren E. Libby for Pickwick Stages,  
Inc. Protestant.

BY THE COMMISSION,

O P I N I O N

C. E. Means has filed a joint application with G. Lawrence Ritchie in which they petition the Railroad Commission to issue its order authorizing applicant Means to sell and applicant Ritchie to purchase and operate a certain automobile stage line authorized to engage in the business as a common carrier of freight and passengers between San Diego, Warners Springs, Montezuma and Oak Grove and other mountain points in that vicinity.

A public hearing was held before Examiner Satterwhite on March 20th, 1922, at San Diego at which time the matter was submitted and is now ready for decision.

The operative right herein proposed to be transferred was obtained by C. E. Means under Decision No. 7607 in Application No. 5240, dated May 24th, 1920, and authorizes the operation of an automobile stage line as a common carrier of freight and passengers between San Diego, Warners Springs, Montezuma, Oak Grove and other

mountain points, but expressly prohibits the transportation of either passengers or freight over the portion of such route between Santa Ysabel and San Diego.

Attorney for Pickwick Stages, Inc. stated that he did not desire to protest the transfer of the certificate as herein contemplated, but appeared solely for the purpose of protecting his client as regards the prohibition contained in the original order granting this certificate as regards service between Santa Ysabel and San Diego.

In authorizing the transfer as herein applied for the proposed purchaser will be required to file his written acceptance of the certificate, in which he will be required to agree to observe the above mentioned restriction.

Applicants give as consideration to be paid for the property herein proposed to be transferred, the sum of \$3,200.00, which includes the operative right and one 2½-ton Republic truck, fully equipped, for which applicant Means testified he paid the sum of \$3,800.00.

Stating as his reason for desiring to discontinue the operation of this stage line, C. E. Means testified that he was the owner of a large ranch to which he was obliged to give his entire attention. The proposed purchaser is fully familiar with the operation of automobile stage lines, having had previous experiences in such work and he states that he fully understands that the amount to be paid as consideration for the property proposed to be transferred was in no way binding upon the Railroad Commission for rate fixing or any other purpose other than the transfer as herein proposed.

In view of the above circumstances, we are of the opinion that this application should be granted.

#### ORDER

Public hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully advised,  
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 for rate fixing or any purposes other than the transfer herein-authorized.

2. Applicant G. Lawrence Ritchie shall file his written acceptance of the certificate herein authorized to be transferred to him in which acceptance he shall expressly agree to all conditions as laid down in Decision No. 7507, governing the operation of this line.

3. Applicant C. E. Means shall immediately cancel all tariff of rates and time schedules at present on file with the Railroad Commission and applicant G. Lawrence Ritchie shall immediately file in his own name, tariff of rates and time schedules, identical with the rates and time schedules at present on file in the name of C. E. Means.

4. The rights and privileges herein 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. No vehicle may be operated by applicant G. Lawrence Ritchie 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.

Dated at San Francisco, California, this 14<sup>th</sup> day of April, 1922.

W. H. Brundage

Waring Watson

W. H. Brundage  
Commissioners