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Decision No. 10389.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
J. Y. SCOTT and ROSS FORSYTH to sell)
and FRED S. KERSEY to buy an interest :
in an automobile (passenger and) Application No. 7798
freight) line operated between Fresno)
and Maxsons and San Joaquin Light and :
Power Company Camp No. 2 on Kings River, :
California.)

BY THE COMMISSION,

ORDER

This is an application for an order of the Railroad Commission authorizing J. Y. Scott and Ross Forsyth, co-partners to sell and transfer a certain automobile stage line known as the Kings River Transportation Company to a co-partnership consisting of J. Y. Scott, Ross Forsyth and Fred S. Kersey.

Applicants state in support of their petition that there is a rapidly growing demand for additional service over the route which they operate and that to secure sufficient funds to purchase new equipment, they have entered into an agreement whereby an additional partner will be added to the co-partnership, holding a one-twelfth interest therein, such additional partner to provide the sum of \$2,500.00 of which amount \$600.00 is proposed to be used for the payment of a balance due on an outstanding note of the existing co-partner-

ship, the balance of such amount to purchase new equipment. Applicants state that a large portion of the purchase price represents the value of operative rights and expenditures heretofore made over a period of three years in the development of the business. No allowance will be made hereafter on this account in any proceeding for the fixing of rates or valuation of property for other purposes.

The operative right, a one-twelfth interest in which it is herein proposed to transfer, was originally granted to a co-partnership consisting of Scott, Paddycoart and Ryming and authorized the operation of an automobile stage line as a common carrier of freight and passengers between the City of Fresno and San Joaquin Light and Power Company's Plant No. 2 in Fresno County, and intermediate points.

Under Decision No. 8652 Paddycoart and Ryming were authorized to transfer their interest to Scott and under Decision No. 9596 Scott was authorized to transfer a one-half interest to Ross Forsyth.

It appearing that the proposed transfer is being made for the purpose of improvement in the service and that this is a matter upon which a public hearing is not necessary,

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 proposed to be paid for the property herein authorized to be transferred shall not be binding upon this Commission nor any other rate fixing body for rate fixing or any other purposes.

2. That applicants Scott and Forsyth, a co-partnership shall immediately cancel all tariff and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with General Order No. 51 and other regulations of the Railroad Commission.

3. That applicants Scott, Forsyth and Kersey, a co-partnership, shall immediately file, in duplicate, in their own names, or adopt as their own the tariff of rates and time schedules heretofore filed by applicants Scott and Forsyth, a co-partnership, all tariff of rates and time schedules to be identical with those filed by applicants Scott and Forsyth, a co-partnership.

4. That 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. That no vehicle may be operated by Scott, Forsyth, and Kersey, a co-partnership, unless such vehicle is owned by them or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 7th
day of May, 1922.

H. B. Brundage

Charles H. Brown
Commissioners