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Decision No. 10680

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application )  
of FRANK GOVERNOR to sell and convey )  
to J. M. MAURER, W. IRWIN and W. M. )  
SANFORD, permit to operate automobile ) Application No. 7527.  
stages between the Cities of Sacra- )  
mento and Redding. )

Harry A. Encell, for Applicants.  
J. E. Lyons for Southern Pacific  
Company, protestants.  
Charles R. Detrick, for Sacramento  
Northern Railroad Company, protestants.

BY THE COMMISSION.

### O P I N I O N

In this proceeding Frank Governor has filed a joint application with the Railroad Commission with J. M. Maurer, W. Irwin, and W. M. Sanford, in which proceeding applicants applied for an Order authorizing Governor to sell and Maurer, Irwin and Sanford, a co-partnership, doing business under the fictitious name of Shasta Transit Company, to purchase the interest of said Governor in the automobile stage line operated as a common carrier of passengers between Sacramento, Redding and intermediate points.

A public hearing was held in the above entitled Application before Examiner Satterwhite on March 14th, 1922, at which time the matter was submitted and is now ready for decision. The granting of the application herein was protested principally by the Sacramento Northern Railroad, their

protest being directed to the allegation that should Governor be permitted to withdraw from the co-partnership, his withdrawal would result in his taking a passenger stage owned by him off of the service as now rendered by the Shasta Transit Company, and that due to the removal of said stage, service over this line would be materially impaired. We cannot agree with the contention of protestants herein, in view of the fact that Governor withdrew several months prior to the filing of the application for transfer and that the service rendered by the Shasta Transit Company subsequent thereto showed that they had available sufficient equipment to properly care for the traffic demands over the route which they served. Furthermore, under the provisions of a ruling heretofore adopted by the Railroad Commission, an automobile stage line may lease whatever equipment may be necessary to the continued operation of the service which they render, and the evidence introduced in this proceeding tended to show that the remaining three co-partners in the Shasta Transit Company were financially able and had sufficient business responsibility to lease whatever stages they may find to be necessary, in addition to the stages already owned and operated by them, to properly care for passengers presenting themselves for transportation between Sacramento, Redding and intermediate points.

The consideration proposed to be paid by the three remaining co-partners for the interest of applicant Governor is given as the sum of \$135.00, which amount represents the claimed value of the interest of said Governor in the operative right covered by the franchise at present held by the Shasta Transit Company. In view of the above circumstances we are of the opinion that the application herein should be granted.

O R D E R

A hearing having been held in the above entitled application, 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 authorized 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 purpose other than the transfer herein authorized.

2. That applicants Governor, Maurer, Irwin, and Sanford shall immediately cancel all tariff of rates and time schedules at the present time filed with the Railroad Commission, and that applicants Maurer, Irwin, and Sanford shall immediately file in their own names, tariff of rates and time schedules, in duplicate, in accordance with General Order No. 51 of the Railroad Commission, such tariff of rates and time schedules to be identical with tariff of rates and time schedules heretofore filed by applicants Governor, Maurer, Irwin, and Sanford.

3.. That the operative right herein authorized to be transferred shall never be abandoned, discontinued, leased or assigned unless the written consent of the Railroad Commission to such abandonment, discontinuance, lease or assignment has first been secured.

4. That no vehicle shall be operated by applicants Maurer, Irwin and Sanford unless such vehicle is owned by them or leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 8<sup>th</sup> day  
of July 1922.

H. C. Brundage  
Chief Clerk  
J. F. Brundage  
Commissioner