

Decision No. 10838

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
C. J. RUPLEY to sell and C. W. GANOW
to purchase an automobile passenger
and freight line, operated between
Auburn and Georgetown, California.

}
} Application No. 8005.
}

J. B. Landis for Applicants.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at Auburn upon the above entitled application seeking authority to transfer an automotive passenger and freight line, established July 1, 1910.

It appears from the testimony that the consideration for the light truck used in the above service between Auburn and Georgetown is \$500.00, and that the consideration for the right to operate is \$2000.00. It also appears that the parties thoroughly understand that the Commission cannot allow in any rate proceeding any return upon four-fifths of the above investment because of the fact that the operative right was originally acquired without any expense.

It further appears that the actual transfer was made July 1, 1922; that Mr. Rupley has not operated the line since; and that Mr. Ganow has operated it since July 1st without authority. The contract is not even expressed to be subject to the approval of the Commission.

As Mr. Rupley has not operated since July 1, 1922, it necessarily follows that he has abandoned the operation and has lost his operative rights. His situation is not improved by the fact that Mr. Ganow has operated illegally since that date.

ORDER

A public hearing having been held upon the above entitled application, the matter being submitted, and now ready for decision,

IT IS HEREBY ORDERED that the application be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that C. W. Ganow forthwith cease carrying passengers and freight between Auburn, Georgetown, and intermediate points.

Dated at San Francisco, California, this 10th day of August, 1922.

H. B. Prudie

George Martin

Charles H. Russell

J. J. Leland

Commissioners.