

Decision No. 10937

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
ALPHONSO SCHWARTZ to sell and F. J.)
MOOMEY to purchase an automobile : Application No. 8186
passenger and freight line operating)
between Nevada City and Washington,)
California.)

BY THE COMMISSION,

ORDER

Alphonso Schwartz and F. J. Moomey have filed a joint application with the Railroad Commission in which they petition for an order authorizing Schwartz to sell and Moomey to purchase and operate a certain automobile stage line operated between Nevada City and Washington, California.

The operative right herein proposed to be transferred was originally obtained by Alphonso Schwartz under Decision No. 5801 in Application No. 4057, dated September 26th, 1918, and authorizes the operation of an automobile stage line as a common carrier of passengers and express between Nevada City and Washington, and intermediate points.

The consideration to be paid for the property herein proposed to be transferred is given as the sum of \$300.00 all of which amount represents the value of physical properties included in the Bill of Sale, which includes in addition to the operative right two wagons, two sleighs, one horse and one set of double harness. No consideration is to be paid for the operative right.

We are 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 never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.

2. That applicant Schwartz shall immediately cancel all tariff of rates and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No 51 of the Railroad Commission.

3. That applicant Moomey shall immediately file, in duplicate, in his own name, or adopt as his own the tariff of rates and time schedules heretofore filed by applicant Schwartz, all tariff of rates and time schedules to be identical with those filed by applicant Schwartz.

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 applicant Moomey 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 2nd day of September 1922 .

W. B. Blanding
Irving Martin
Paul H. Lawrence

Commissioners