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Decision No. 10965

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
HENRY T. CAMPBELL, for authority to
sell and transfer operative rights
for the operation of automobile pas-
senger service between San Jose, and
Hollister and intermediate points and
Hollister, San Juan and Salinas and
intermediate points.

)
:
) Application No. 8224
:
)

BY THE COMMISSION.

ORDER

In this proceeding Henry T. Campbell and Pickwick Stages, N. D. Inc. have filed a joint application with the Railroad Commission in which they petition for an order authorizing Campbell to sell and the corporation to purchase a certain automobile stage line operated between San Jose and Hollister and Hollister, San Juan and Salinas and intermediate points, California.

The operative right herein proposed to be transferred was obtained by applicant Henry T. Campbell under Decision No. 10322 in Application No. 6805 dated April 14th, 1922.

The agreement of sale, copy of which is attached to the application herein, gives as consideration to be paid for the property proposed to be transferred the sum of \$15,000.00, of which amount \$1,000.00 is to be paid upon execution of the agreement, \$9,000.00 on October 1st, 1922, and the balance at the rate of \$1,000.00 per month on the first of each subsequent month.

Equipment to be transferred is listed as two 2-ton White automobile passenger stages, one Cadillac touring car and one Locomobile touring car.

The purchaser of this property is already engaged
in extensive passenger stage operation in the State of California
and is well aware of the policy of the Commission with reference
to recognizing in rate fixing or any similar proceedings,
amounts paid for intangible property rights.

Paragraph six of the application herein states in part
that applicant Campbell also proposes to transfer operative
rights possessed by him for the operation of express and baggage
service. The operative right possessed by Mathen, predecessor
in interest to Campbell, did not authorize the transportation
of express matter for compensation and it will be distinctly
understood in passing upon the present application that the Com-
mission in no way authorizes the transfer to the Pickwick Stages,
N. D. Inc. of any greater or extended right than that possessed
by the original holders of the present certificates.

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 applica-
tion be, and the same hereby is granted, subject to the following
conditions:

1. That the consideration to be paid for the prop-
erty herein authorized to be transferred shall never
be urged before the 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 Henry T. Campbell 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 Pickwick Stages, N. D. Inc. shall immediately file, in duplicate, tariff of rates and time schedules, or adopt as their own the tariff of rates and time schedules now on file by Henry T. Campbell, all tariffs and time schedules to be in accordance with those of Henry T. Campbell.

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 Pickwick Stages, N. D. Inc. unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

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

H. B. Brundage
Dwight Martin
J. F. Benedict
Commissioners