

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of UNITED STAGES, INC. to sell,
and of O. R. FULLER to purchase,
certain franchise rights to op-
erate an automobile stage line
between Los Angeles and San Diego,
California.

} Application No. 5735.

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BY THE COMMISSION:

OPINION AND ORDER DENYING REHEARING

By its prior order herein (Decision No. 9931), the Commission authorized the transfer, by the applicant to O. R. Fuller, of its operative rights as an auto stage transportation company between Los Angeles and San Diego, as defined by the terms of the Commission's Decision No. 9930 in Case No. 1473. Applicant had claimed three alternative routes between Los Angeles and the intermediate point, Santa Ana, and authorization was sought herein for the transfer of the operative rights between Los Angeles and San Diego over all three of these alternative routes. By the decision in Case No. 1473 (Decision No. 9930) above referred to, it was determined that the applicant herein had no operative rights as to one of these alternative routes, namely, Santa Ana to Los Angeles via Long Beach. The prior order in this proceeding, therefore, authorized the transfer of the operative rights over the two other routes, namely, via Whittier Road and via Telegraph Road, subject to certain conditions and limitations consistent with the Commission's findings in its decision in Case No. 1473.

An application for rehearing was filed herein January 13, 1922, by O. R. Fuller both as to the Commission's decision in this proceeding (Decision No. 9931) and the decision in Case No. 1473 (Decision No. 9930). Among the grounds specified for rehearing, it was set forth that the United Stages, Inc., pursuant to authorization granted by this Commission in its Decision No. 8290, on Application No. 6252, discontinued service and cancelled its time schedule and tariffs covering operations between Los Angeles and San Diego, "via Whittier Road and via Telegraph Road," which were the two alternative routes as to which the transfer of operative rights was authorized herein. It would appear, therefore, that applicant had no operative rights between Los Angeles and San Diego which it could transfer under the authority granted by our prior order in this proceeding. However, the order also authorized the transfer of certain stage equipment and other personal property used in connection with applicant's stage operations, and for this purpose, at least, the order is effective.

In order that no doubts may arise in the future concerning the effect of the order herein on operative rights of applicant, it is proper to add that nothing therein shall be deemed as recognizing or establishing any rights different from, or inconsistent with, those fixed by our Decision No. 9930, in Case No. 1473, nor as a basis for revival of any operative rights which were recognized in that decision but have later been transferred, abandoned or otherwise changed or terminated.

O R D E R

An application having been filed herein January 13, 1922, by O. R. Fuller for a rehearing on Decision No. 9931

rendered herein December 27, 1921, and the Commission, after careful consideration of said application and being of the opinion that the matters set forth therein do not constitute sufficient grounds for the granting of a rehearing;

IT IS HEREBY ORDERED that said application for rehearing be, and the same is hereby denied.

Dated at San Francisco, California, this 22d day of December, 1922.

H. C. Boardman
Irving Martin
J. J. Boardman

Commissioners.