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Decision No. 11587

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
STANLEY BERRY to sell and CARROLL)
HARRINGTON to purchase a certain)
automobile stage line operated between : Application No. 8621
Red Bluff and Eureka, California.)

BY THE COMMISSION,

ORDER

Stanley Berry and Carroll Harrington, co-partners, at the present time engaged in the operation of an automobile stage line between Red Bluff and Eureka, California, have filed a joint application with the Railroad Commission in which they petition for an order/authorizing applicant Berry to sell and applicant Harrington to purchase the interest of the former in the above mentioned stage line.

The operative rights, an interest in which it is herein proposed to transfer were established under the following decisions: Under Decision No. 5256 in Application No. 3540 dated March 29th, 1918, one George B. Mith was granted a certificate declaring that public convenience and necessity require the operation of an automobile stage line as a common carrier of passengers and express between Red Bluff and Eureka and intermediate points as more fully described in said Decision. Under Decision No. 7428 in Application No. 5545, dated April 15, 1920, Stanley Berry was granted a certificate of public convenience and necessity authorizing the operation of an automobile stage line as a common carrier of passengers and freight between Auto

Rest, Trinity County and Eureka, Humboldt County. Under Decision Nop 7530 in Application No. 5596, dated May 3, 1920, Stanley Berry was authorized to transfer a one-half interest in his operative right obtained under Decision No. 7428 to Carroll Harrington. Under Decision No. 8420 in Application No. 6327, dated December 8th, 1920, George B. Mith was authorized to sell and Berry and Harrington, co-partners, to purchase and operate the operative right of Mith obtained under Decision No. 5256. The operative right from Red Bluff to Auto Rest only was authorized to be transferred due to the fact that said Mith had previously discontinued operation between that portion of his route, Auto Rest to Eureka, California. In accordance with the above mentioned decision, Berry and Harrington have secured an operative right from Red Bluff to Eureka, via Auto Rest. This operative right, however, authorized only the transportation of passengers and express packages between Red Bluff and Auto Rest and the transportation of passengers and freight between Eureka and Auto Rest, sometimes referred to as Forest Glen.

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. Carroll Harrington shall file his written acceptance of the certificates herein authorized to be transferred which written acceptance shall contain a statement to the effect that he fully understands the extent of the certificates under which he is hereby authorized to operate; that operation will be conducted strictly in accord therewith.

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2. The consideration to be paid for the property herein authorized to be transferred shall not 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.

3. Applicants Berry and Harrington, co-partners, shall immediately cancel all tariff of rates and time schedule on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 of the Railroad Commission.

4. Applicant Carroll Harrington, an individual, shall immediately file, in duplicate, tariff of rates and time schedules, or adopt as his own the tariff of rates and time schedules as filed by applicants Berry and Harrington, co-partners. All tariff of rates and time schedules to be identical with the tariff of rates and time schedules as filed by the co-partners, Berry and Harrington.

5. The rights and privileges herein authorized to be transferred may 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 from the Commission.

6. No vehicle may be operated by applicant Harrington unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 3rd
day of February, 1923.

C. J. Seary

Dwight Martin

J. H. Blittsey
Commissioners