

ORIGINAL

Decision No. 6967.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
A. C. McVEY for authority to sell)
to CARL C. ALLEN a portion of his)
automobile stage business and fran-)
chise between Fresno and Kingsburg,)
and of CARL C. ALLEN to purchase)
the same.)

Application No. 5150.

BY THE COMMISSION:

O R D E R

A. C. McVey and Carl C. Allen have petitioned the Railroad Commission for an order approving the assignment, sale and transfer of a portion of the automobile stage line heretofore operated by applicant, A. C. McVey, to Carl C. Allen.

Applicant, A. C. McVey, has operated an automobile stage line between Fresno and Dinuba under the authority of the Railroad Commission and was operating in good faith on May 1, 1917, which was the date recognized by the legislature in the passage of Chapter 213, Laws of 1917, as that upon which operators in good faith were not required to secure a certificate of public convenience and necessity from the Railroad Commission or permits from the governing bodies of the various political subdivisions through which a route passed.

Applicant, A. C. McVey, now desires to sell and transfer to applicant, Carl C. Allen, the portion of the route as regards the transportation of local business between Fresno and Kingsburg, such local service passing through the communities of McJaga, Fowler and Selma. Applicant, McVey, proposes to

retain the through business between Fresno and Dinuba but to do no local business between Fresno and Kingsburg and intermediate points.

It is proposed to transfer the operative rights in accordance with the conditions of an agreement or bill of sale, a copy of which is attached to the application in this proceeding and marked exhibit "A".

We are of the opinion that this is not a matter in which a public hearing is necessary and that the application should be granted.

IT IS HEREBY ORDERED that this application be and the same hereby is granted subject to the following conditions:

Applicant,
I - / A. C. McVey, will be required to immediately cancel all tariffs and time schedules now on file with the Railroad Commission and covering local service between Fresno and Kingsburg inclusive over the route passing through the communities of Malaga, Fowler and Selma, such cancellation to be made in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission. The relinquishment of service of applicant, McVey, as hereby authorized, prohibits the establishment of future local service between such points by said applicant unless a certificate of public convenience and necessity is obtained from the Railroad Commission and operation over the route between Fresno and Kingsburg may only be made for the accommodation of through passengers originating at or destined to points south of Kingsburg and on the route of applicant between

Kingsburg and Dinuba.

- II - Applicant, Carl C. Allen, will be required to immediately file with the Railroad Commission tariffs and time schedules in his own name, or to adopt as his own the tariffs and time schedules as heretofore filed by applicant, McVey, and covering local service between Fresno and Kingsburg and intermediate points; all rates as filed by applicant, Allen, to be the same as those heretofore filed with the Railroad Commission by applicant, McVey.
- III - The rights and privileges, transfer of which are hereby authorized, may not again be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.
- IV - No vehicle may be operated under the authority conveyed by this approval of transfer unless such vehicle is owned by applicant, Allen, or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 17th day of December, 1919.

Edwin C. Boynton
H. D. Leland
Frank W. Smith
H. R. Brundage
James M. ...