

ORIGINAL

Decision No. 2449.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
WILLIAM GIMINIANI, and HENRY GROSS,)
for certificate of public convenience)
and necessity to operate an automobile)
stage for the transportation of pass-)
engers, baggage and express between)
Bakersfield and Buttonwillow.)
.....)

Application No. 4870.

Rowen Irwin for Applicants.

W. P. Girgalva for Howerth and Hather, Prop-
rietors, Bakersfield-McKittrick Stage Line,
Protestant.

Harry T. Hennessey for United States Railroad
Administration, Southern Pacific Railroad.

BY THE COMMISSION:

O R D E R

William Giminiani and Henry Gross, partners in
business under the firm name and style of Bakersfield-Buttonwillow
Stage Line, have petitioned the Railroad Commission for an order
declaring that public convenience and necessity requires the oper-
ation by them of an automobile stage line as a common carrier of
passengers, baggage and express between Bakersfield and Button-
willow and intermediate points.

A public hearing on this application was conducted by
Examiner Handford at Bakersfield, the matter was duly submitted
and is now ready for decision.

At the hearing on this application it was developed by evidence presented that, instead of a certificate of public convenience and necessity being desired by the applicants herein, the matter properly before the Commission for decision was the approval of the transfer of the operative rights heretofore held by William Giminiani and Mike Giminiani, partners in business operating an automobile stage line between Bakersfield and Buttonwillow; Mike Giminiani withdrawing from the partnership and being replaced by Henry Gross and it was stipulated at the hearing that the application should be considered as requesting the approval of the Railroad Commission to the transfer of the operative rights instead of on the basis of a certificate of public convenience and necessity.

The transfer of the operative rights is to be made in accordance with the provisions of an agreement, a copy of which is included in an affidavit signed by Henry Gross, one of the applicants herein, and filed in this proceeding .

At the hearing on this application there was no objection on the part of the protestants to the granting of same on the basis of a transfer of existing operating rights heretofore held by William Giminiani and Mike Giminiani as a co-partnership and the Commission being fully advised is of the opinion that the application, as amended and as now requesting transfer of operative rights, should be granted.

IT IS HEREBY ORDERED that a transfer of the operative rights for the operation of an automobile stage line as a common carrier of passengers, baggage and express between Bakersfield and Buttonwillow and intermediate points, as heretofore held by William Giminiani and Mike Giminiani, as partners in business, be approved as regards transfer to William Giminiani and Henry Gross, as

partners in business subject to the following conditions:

I - William Giminiani and Mike

Giminiani will be required to immediately cancel all tariffs and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

II - William Giminiani and Henry Gross,

partners in business, will be required to file in their own name, or to adopt as their own the tariffs and time schedules as heretofore filed with the Railroad Commission by William Giminiani and Mike Giminiani; all rates to be in accordance with those heretofore filed with the Railroad Commission by William Giminiani and Mike Giminiani.

III - The rights and privileges, transfer

of which are hereby authorized, may not again be transferred or 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 this authority for transfer unless such vehicle is owned by applicants, William Giminiani and Henry Cross, partners in business, or is leased by such partnership under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 11th day of February, 1920.

H. S. Loveland

H. B. Bondage

Dwight Martin

Commissioners.