

DECISION No. 7550

CASE No. _____

APP. No. 54257
5586
5587

same applicants by Decision No. 5712, in Application No. 3998, were authorized to operate between Watsonville and Salinas.

Foster Jones, one of the original holders of the certificate, died, and his interest, by authority of a court order and by permission of this Commission, was transferred to George A. Bram in Decision No. 6895, December 27, 1919 on Application No. 5001. Later Bram died, but immediately previous to his death transferred his rights to D.C. Metz. The transfer from Bram to Metz was never approved by this Commission and it is, therefore, decided to dismiss the application for transfer from Metz to Harter. Application No. 5425.

At no time were John Nelson and Foster Jones co-partners (this fact being admitted by all interested parties), but each operated his own equipment over the line and jointly paid office rent and other terminal expenses, each, however, operating under the fictitious name of the N & J Stage Line. Neither did Nelson and Bram operate as co-partners, but did operate the same as Nelson and Jones, therefore, no partnership having existed, and for the reason that but one certificate was granted to two applicants, in order to straighten the matter it is decided to grant two certificates of public convenience and necessity, one to applicant John Nelson, the other to applicant George H. Harter, authorizing them to operate independently of each other over the same route as now operated by the N & J Stages.

IT IS HEREBY ORDERED that the above application be and the same is hereby dismissed.

George H. Harter, in Application No. 5586, and John Nelson in Application No. 5587, have petitioned the Railroad Commission for a certificate of public convenience and necessity to operate an automobile passenger stage service between Santa Cruz and Salinas via Watsonville.

For the reasons stated above, it is hereby declared that public convenience and necessity require the issuance of a separate certificate of public convenience and necessity, one to applicant Harter, the other to applicant Nelson.

We believe that this is a matter in which a public hearing is not necessary and that Applications No. 5586 and 5587 should be granted.

IT IS HEREBY DECLARED that the applications be and the same hereby are granted, subject to the following conditions:

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1- That applicant, George ^H Harter and Applicant John Nelson will, each for himself, within twenty (20) days from the date of service of this order, file with the Railroad Commission a written acceptance of this certificate, subject to the conditions herein set forth.

2- That applicant Nelson will immediately cancel all tariffs and time schedules filed with the Railroad Commission, such cancellations to be in order with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

3- That applicant George H. Harter and applicant John Nelson, each for himself, will file with the Railroad Commission tariff of fares, rules and regulations and time schedule, the same to be identical with those heretofore filed by the applicants, Nelson and Jones, such tariffs and time schedule to be filed in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

4- That the rights and privileges hereby authorized may not be leased, transferred nor assigned unless the written consent of the Railroad Commission to such lease, transfer or assignment has first been secured.

Am 5 - No vehicle may be operated by applicant Geo. S. Harter nor applicant John Nelson unless such vehicle is owned by the applicant or is leased by him under contract or agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 10th day of May, 1920.

Elin O. Edgerton
H. D. Davidson
Walter K. Herlin
J. H. Brundage
Dwight Madison
COMMISSIONERS.