

Decision No. 8117

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
the Western Auto Stage Company, a)
California corporation, for an order)
authorizing the sale and transfer of) APPLICATION NO. 5757
its operative rights between the City)
and County of San Francisco and the)
City of Fresno, and application of)
F. A. Deister to purchase same.)

BY THE COMMISSION -

O R D E R

Western Auto Stage Company, a corporation, and F. A. Deister have made application to sell and transfer certain operative rights for the conduct of an automobile passenger stage service between the cities of San Francisco and Fresno, the applicant, Western Auto Stage Company, a corporation, desiring to sell, and F. A. Deister desiring to purchase, acquire and hereafter operate said service.

The operative rights herein sought to be transferred are those acquired by the applicant, Western Auto Stage Company, by virtue of its having operated prior to May 1, 1917. The transfer of operative rights herein authorized to be made upon an agreement filed with the application in this proceeding.

The Commission is 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 this application be and the same is hereby granted, subject to the following conditions:

1st- That the applicants, Western Auto Stage Company, a corporation, and F. A. Deister, will within twenty (20) days from the date hereof file with the Railroad Commission a written acceptance of the order in this proceeding, subject to the con-

ditions imposed herein.

2nd- That the applicant, Western Auto Stage Company, will be required to cancel its tariff of fares and time schedule, on file with the Railroad Commission, in accordance with General Order No.51 and other regulations of the Railroad Commission.

3rd- That the applicant, F. A. Deister, will be required to immediately file with the Railroad Commission his tariff of fares and a time schedule, or will adopt as his own the tariff and time schedule heretofore filed by applicant, Western Auto Stage Company, such fares, charges and time schedule to be identical with those heretofore filed by the applicant, Western Auto Stage Company.

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

5th- No vehicle may be operated by the applicant F. A. Deister unless such vehicle is owned by him or is leased by him for a specified amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation company by whom such driver or operator is engaged.

Dated at San Francisco, California, this 16th day of September, 1920.

W. B. Boyd
Frank R. Martin
H. B. Bundege
Dwight Martin
COMMISSIONERS.