

Decision No. 8420

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application)	
of Stanley Berry and Carrol	:	
Harrington partners, for consent)	
and approval of the Railroad	:	
Commission of the State of Calif-)	
ornia, to transfer and assign the	:	
rights granted under the certifi-)	
cate of public convenience and	:	Application No. 6327.
necessity to operate an automobile)	
stage route and line between Red	:	
Bluff, Tehama County and Forest)	
Glen (formerly Auto Rest) Humboldt	:	
County, all in the State of California)	
issued to George B. Mith.	:	

BY THE COMMISSION:

ORDER

Stanley Berry and Carrol Harrington, partners and George B. Mith have petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights for the conduct of an automobile stage line as a common carrier of passengers between Red Bluff and Forest Glen (formerly Auto Rest) over route hereinafter described, the applicant George B. Mith, desiring to sell, and the applicants Stanley Berry and Carrol Harrington, desiring to purchase, acquire and hereafter operate said automobile stage service.

The rights and privileges, proposed to be transferred are those acquired by applicant George B. Mith, by reason of a certificate of public convenience and necessity granted by the

Railroad Commission in Decision No. 5256, Application No. 3540, rendered March 29, 1918, which authorizes operation of applicant George B. Mith, between Red Bluff and Eureka and intermediate points, however between Auto Rest and Eureka service was never performed by applicant.

Transfer of the rights and privileges is to be made in accordance with a bill of sale copy of which is attached to and made a part of the application in this proceeding, which sets forth Four Hundred (\$400.00) Dollars as amount to be paid for operative rights, no equipment being involved in this transfer.

The Commission does not herein pass upon the value of the property involved in this proceeding, ~~nor~~ ~~may~~ ~~the~~ ~~purchase~~ price be considered as a basis for rate making purposes.

The route and operative rights thereover, for which approved transfer is sought is as follows. "Beginning at Red Bluff thence over main traveled road through the following towns, Left Fork, Rosewood, Beegum, Nobles, Knob, Wildwood, Peanut and Auto Rest (now known as Forest Glen) a distance of 86 miles."

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 this application be, and the same hereby is granted, subject to the following conditions.

1. That the amount paid for the purchase of the property shall not be considered as a measure of value of said property before this Commission or any other authority for rate fixing or any other purpose other than the transfer herein referred to.
2. That the applicant, George B. Mith, 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.
3. That applicants Stanley Berry and Carrol Harrington, will be required to immediately file tariffs and time schedules, in their own name or to adopt as their own the tariff and time schedule as heretofore filed with the Railroad Commission by applicant, George B. Mith, all fares to be identical with those filed by applicant.

George B. Kith.

4. The rights and privileges of transfer, which are hereby authorized, 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, it being further understood that applicants will notify this Commission each season upon discontinuance and resumption of service, which is caused by unsafe conditions of road during the winter.
5. No vehicle may be operated by the applicants, Stanley Berry and Carrol Harrington unless such vehicle is owned by them or is leased by them 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.

Dated at San Francisco, California this 21st
day of ~~November~~ December, 1920.

W. H. H. H. H.
Frank H. H.
Dwight H. H.

Commissioners.