

Decision No. 8485

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 ALVA FUDGE and PERCY DAVIES for )  
 authority to sell, and C. L. LOWRY :  
 to buy the automobile stage line )  
 of FUDGE and DAVIES between Fresno ) Application No. 6385  
 and Auberry and intermediate points. )  
 :  
 )

BY THE COMMISSION

O R D E R

Alva Fudge and Percy Davies, operating under the name and style of Fresno-Auberry Stage Line, and C. L. Lowry, 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 Fresno and Auberry, over route hereinafter described, the applicants, Alva Fudge and Percy Davies desiring to sell, and the applicant, C. L. Lowry, desiring to purchase, acquire and hereafter operate said automobile stage line.

The rights and privileges, proposed to be transferred, are those acquired by applicants Alva Fudge and Percy Davies, by reason of certificate of transfer granted by the Railroad Commission in its Decision No. 8022, Application No. 6047, rendered August 27, 1920.

Transfer of the rights and privileges is to be made in accordance with an agreement incorporated in the application in this proceeding, setting forth Twenty-five Hundred Dollars (\$2,500.00) as the amount to be paid for operative rights and equipment consisting of one Cadillac 1917 model, valued at Fifteen Hundred Dollars

(\$1,500.00), one Cadillac 1915 model valued at Eight Hundred(\$800.00) Dollars and operative rights, etc., valued at Two Hundred Dollars (\$200.00).

The Commission does not herein pass upon the value of the properties 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 approval of transfer is sought is as follows: starting at Fresno thence over main highway to Sharpville, thence to Grabner, thence to Prather, thence to Auberry.

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 applicants, Alva Fudge and Percy Davies, will be required to immediately cancel all tariffs and time schedules now filed with the Railroad Commission, such cancellation to be made in accordance with the provisions of General Order No. 51, and other regulations of the Railroad Commission.

3. That applicant, C. L. Lowry will be required to immediately file tariffs and time schedules in his own name or to adopt as his own the tariffs and time schedule as heretofore filed with the Railroad Commission by applicants, Alva Fudge and Percy Davies, all fares to be identical with those filed by applicants Alva Fudge and Percy Davies

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.

5. No vehicle may be operated by applicant, C. I. Lowry 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.

Dated at San Francisco, California, this 22<sup>nd</sup>  
day of December, 1920.

Edwin C. Edgerton  
W. H. Leonard  
Frank R. Alden  
H. C. Brundage  
Dwight Martin  
Commissioners