

Decision No. 8515

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
M. H. McGARY to sell and transfer } Application No. 6400.  
auto stage line operating between }  
Jackson and Plymouth, to J. J. RATTO. }

BY THE COMMISSION.

ORDER

M. H. McGary and J. J. Ratto have petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights and privileges for the conduct of an automobile stage line as a common carrier of passengers between Jackson and Plymouth, California, and intermediate points; the applicant, M. H. McGary, desiring to sell, and the applicant, J. J. Ratto, desiring to purchase, acquire and hereafter operate said service.

The rights and privileges, transfer of which is hereby authorized, are those acquired by applicant, M. H. McGary, by reason of certificate of transfer having been granted by the Railroad Commission in its Decision No. 7795 on Application No. 5162, decided June 24, 1920.

Transfer of the rights and privileges is to be made in accordance with a bill of sale, the original of which is attached to and made a part of the application in this proceeding, which sets forth the sum of Ten (\$10.00) Dollars as the consideration received for the entire stage line and equipment.

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.

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 the 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, M. H. McGary, will be required to immediately cancel all tariffs and time schedules now filed 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 applicant, J. J. Ratto, will be required to immediately file tariffs and time schedules in his own name, or to adopt as his own the tariff and time schedule as heretofore filed with the Railroad Commission by applicant, M. H. McGary, all fares to be identical with those filed by applicant, M. H. McGary.
4. The rights and privileges of transfer which are hereby authorized, may not again 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 the applicant, J. J. Ratto, 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 4<sup>th</sup> day of January, 1921.

H. S. Loveland  
Frank W. Allen  
H. C. Brundige  
Jessie Martin  
Commissioners.