

PE

Decision No. 8573

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ALMYR L. PROUTY, for an order granting
permission to sell and transfer all
his right, title and interest in
Automobile Stage Line between Stockton
and Clements, and to discontinue his
service, and;

Application of Delbert G. Anderson,
for an order granting permission to
purchase and operate said stage line
thereafter.

ORIGINAL

Application No. 6485

BY THE COMMISSION.

ORDER

Almyr L. Prouty and Delbert G. Anderson, have, under date of January 14, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights and priveleges for the conduct of an automobile stage line as a common carrier of passengers between Stockton and Clement and intermediate points, the applicant, Almyr L. Prouty, desiring to sell and the applicant, Delbert G. Anderson, desiring to purchase, acquire and hereafter operate said stage service.

The rights and priveleges, transfer of which is hereby authorized, are those acquired by applicant, Almyr L. Prouty, by reason of transfer from W. E. Prouty to Almyr L. Prouty, at which time Section 5, Chapter 213, Laws of 1917, as amended by Chapter 280, Laws of 1919, was not conformed to, in that no application for certificate of transfer was filed with the Railroad Commission.

Transfer of the rights and priveleges is to be made in accordance with bill of sale attached to and made a part of the application in this proceeding, which sets forth the sum of Thirty Two Hundred and Fifty (\$3250.00) Dollars as the price to be paid for equipment and operative rights.

The route and operative rights thereover for which approval of transfer is sought is as follows: Beginning at Stockton, thence to Waterloo, thence to Lockeford, thence to Clements.

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 ratemaking purposes.

We are of the opinion that this is ammatter 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, Almyr L. Prouty, 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, Delbert G. Anderson, 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, Almyr

L. Prouty, all fares to be identical with those filed by applicant, Almyr L. Prouty.

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, Delbert G. Anderson, 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 20th day of January, 1921.

Frank DeWitt

H. B. Anderson

Dwight Martin
Commissioners.