

Decision No. 8652

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of J. SCOTT to purchase and take over all of the interests of his co-partnership with O. Peddycoart and V. Ryming, in and to the permit and franchise heretofore granted by the Railroad Commission of the State of California, to operate an automobile stage line as a common carrier between the City of Fresno and Camp No. 2 of the San Joaquin Light & Power Company and all intermediate points.

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) Application
) No. 6542
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BY THE COMMISSION.

J. Scott and O. Pettycoart and V. Ryming, partners in business, operating under the fictitious name of Kings River Transportation Company, have under date of February 8, 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 passenger and freight service between Fresno and Camp No. 2 of the San Joaquin Light & Power Company and intermediate points, the applicants, O. Peddycoart and V. Ryming, desiring to sell, and the applicant, J. Scott, desiring to purchase, acquire and hereafter operate said service.

The rights and priveleges, transfer of which is hereby authorized, are those acquired by the applicants, J. Scott, O. Peddycoart and V. Ryming by reason of certificate of public convenience and necessity having been granted by the Railroad Commission in its Decision No. 6609, on Application No. 4832, decided August 29, 1919.

Transfer of the rights and privileges is to be made in accordance with bills of sale attached hereto and made a part of the application in this proceeding, setting forth that a sufficient consideration had been paid in each instance.

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 applicants, J. Scott, O. Pettycoart and V. Ryming, 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 applicant, J. Scott, 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 applicants, J. Scott, O. Pettycoart and V. Ryming, all fares to be identical with those filed by applicants,

J. Scott, O. Pettycoart and V. Ryming.

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. Scott, 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 21st day
of February, 1921.

H. D. Loveland
Frank D. Dolan
H. T. Bourdier
Wm. J. Martin
Charles H. Powell
Commissioners.