

L.

Decision No. 87#1

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

---oOo---

In the Matter of the Application of)
SETH U. BERGEVIN for the approval :
of the Railroad Commission of the)
purchase from CHAS W. BARRETT of :
his stage line operating between)
Markleeville and Fredericksburg :
(near Nevada State Line).)

ORIGINAL
Application No. 6609.

BY THE COMMISSION:

O R D E R

Chas. W. Barrett and Seth U. Bergevin have, under date of March 3, 1921, 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 and freight between Markleeville and Fredericksburg. The applicant, George W. Barrett, desiring to sell, and the applicant Seth U. Bergevin, desiring to purchase, acquire and hereafter operate said service.

The rights and privileges, transfer of which is hereby authorized, are those acquired by applicant, George W. Barrett, by reason of certificate of public convenience and necessity having been granted by the Railroad Commission in its Decision No. 5747 on Application No. 4063, decided September 14, 1918.

There is no consideration mentioned in the application.

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, George W. Barrett, 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 Seth U. Bergevin 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, George W. Barrett, all fares to be identical with those filed by applicant, George W. Barrett.
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 the applicant, Seth U. Bergevin 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 14th day of March, 1921.

Frank R. DeLoach
H. D. Townsend
Erving Martin

Commissioners.