

ORIGINAL

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Decision No. 8828

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)	
WESTERN MOTOR TRANSPORT COMPANY a)	
Corporation, and BASIL A. PERRY,)	
HARRY GAETA, HENRY T. CAMPBELL,)	Application No. 6664.
MRS. FRED V. FISH, JOSEPH HELD)	
and S. E. DUNBAR, co-partners for)	
the approval of a certain agreement.)	

BY THE COMMISSION:

ORDER

Western Motor Transport Company, a coporation and Basil A. Perry, Harry Gaeta, Henry T. Campbell, Mrs Fred V. Fish, Joseph Held and S. E. Dunbar co-partners have, under date of March 21, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights for the conduct of an automobile passenger service between Oakland and Centerville and intermediate point.

The applicant, Western Motor Transport Company, desires to sell, and the applicants, Basil A. Perry, Harry Gaeta, Henry T. Campbell, Mrs. Fred V. Fish, Joseph Held and G. E. Dunbar, co-partners desire to purchase, acquire and hereafter operate said automobile stage line.

The rights and privileges proposed to be transferred are those acquired by applicant, Western Motor Transport Company by reason of a certificate of transfer granted by the Railroad Commission in Decision No. 7914, Application No. 5916, rendered July 26th, 1921.

Transfer of the rights and privileges is to be made in accordance with an agreement copy of which is attached to the application in this proceeding, setting forth the sum of Three Thousand Six Hundred (\$3,600.00) Dollars for operative rights.

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, Western Motor Transport Company, 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 applicants, Basil A. Perry, Harry Gacta, Henry T. Campbell, Mrs. Fred V. Fish, Joseph Held and S. E. Dunbar will be required to immediately file tariffs and time schedules in their own name, or to adopt as their own the tariff and time schedule as heretofore filed with the Railroad Commission by applicant, Western Motor Transport Company, all fares to be identical with those filed by applicant Western Motor Transport Company.
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 applicants, Basil A. Perry, Henry Gaeta, Henry T. Campbell, Mrs Fred V. Fish, Joseph Held and S. E. Dunbar unless such vehicle is owned by them or is leased by them 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 8th day
of ~~March~~ ^{April}, 1921.

Frank R. Dunbar
H. T. Campbell
H. T. Bunting
William H. Haines
Charles H. Haines

Commissioners.