

Decision No. 8886

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 O. R. FULLER to sell, and MOTOR TRAN-)
 SIT COMPANY, a corporation, to pur-)
 chase and exercise the franchise and)
 operating rights and to purchase other)
 property of Mountain Auto Line, a trans-)
 portation company, and of said Motor)
 Transit Company to issue certain shares)
 of its corporate stock in full payment)
 for such properties.)

Application Number 6299

Herbert W. Kidd, for Applicants.

BY THE COMMISSION:

O P I N I O N.

O. R. FULLER asks permission to sell and transfer operative rights and certain automobile equipment to the Motor Transit Company. The operative rights and franchises are described in Exhibit "B" and the automobile equipment and other properties in Exhibit "A" attached to the petition herein.

Motor Transit Company asks permission to acquire said properties and to issue in payment therefor \$42,182.00 par value of its common stock.

A hearing was had on this application before Examiner Satterwhite at Los Angeles.

In Decision Number 7280, dated March 18, 1920, in Application Number 5429, the Commission authorized Max Green, Perry H. Green and Nettie D. Phillips to sell operative rights and franchises to O. R. Fuller. It is these same operative rights and

franchises which O. R. Fuller now asks permission to sell and transfer to the Motor Transit Company.

From the petition it appears that O. R. Fuller is the sole owner and proprietor of the Mountain Auto Line, a transportation company operating as a common carrier of persons, baggage, freight and express matter out of San Bernardino and serving various points in the San Bernardino Mountains, including the routes commonly known as the One Hundred and One Mile Drive or Rim of the World Route, Big Bear and Little Bear Lakes, Pine Crest, Forest Home, Redlands and various other points.

The automobile equipment and other physical properties which O. R. Fuller, owner of the Mountain Auto Line, intends to sell to the Motor Transit Company, consists, according to Exhibit "A" filed in this proceeding, of sixteen passenger and freight White Automobiles and one Cadillac service car, the present value of which is estimated at \$42,086.68. The value of the truck and automobile parts, of the tools and special equipment, and of the office equipment, fixtures and other materials and supplies, is reported at \$2,513.32; making a total estimated value of \$44,600.00.

At the hearing on this application, F. D. Howell, Assistant General Manager of Motor Transit Company, testified that he was personally familiar with the equipment which is referred to in this application and which Motor Transit Company intends to acquire. In his opinion the equipment is worth considerable more than \$42,182.00, the amount of stock which Motor Transit Company asks permission to issue in payment for the equipment and properties.

It does not appear to be necessary for the Commission, for the purpose of this proceeding, to definitely determine the value of the equipment and other properties which O. R. Fuller, owner of the Mountain Auto Line, has agreed to sell to the Motor Tran-

sit Company in exchange for \$42,182.00 of stock.

O R D E R

O. R. FULLER, having applied to the Railroad Commission for permission to sell and transfer certain operative rights, described in Exhibit "B" filed in this proceeding, and as owner of Mountain Auto Line to sell certain properties, described in Exhibit "A" filed in this proceeding, to Motor Transit Company, and Motor Transit Company, having asked permission to acquire said properties and operative rights and to issue \$42,182.00 of stock, a public hearing having been held, and the Commission being of the opinion that the money, property or labor to be procured or paid for by the issue of \$42,182.00 of stock of Motor Transit Company, is reasonably required by said Motor Transit Company, and that this application should be granted;

IT IS HEREBY ORDERED that Motor Transit Company be, and it is hereby, authorized, to issue to O. R. Fuller on or before June 30, 1921, in payment for the properties described in Exhibit "A" filed in this proceeding, \$42,182.00 of common stock, provided that Motor Transit Company will keep such record of the issue and sale of the stock herein authorized and of the disposition of the proceeds as will enable it to file on or before the 25th day of each month, a verified report as required by the Railroad Commission's General Order No. 24, which order, in so far as applicable, is made a part of this order;

IT IS HEREBY FURTHER ORDERED that O. R. Fuller be, and he is hereby, authorized to transfer to the Motor Transit Company the operating rights and franchises described in Exhibit "B" filed in this proceeding, subject to the following conditions:-

1. That the applicant, Motor Transit Company, will be required to immediately file a certified copy of the bill of sale, which must be identical with the agreement filed in this proceeding.
2. That applicant, O. R. Fuller, doing business under the fictitious name of the Mountain Auto Line, will be required to immediately cancel all time schedules and tariffs now on file with the Railroad Commission.
3. That applicant, Motor Transit Company, will be required to file in its own name, time schedules and tariffs or to adopt as its own, time schedules and tariffs heretofore filed by O. R. Fuller under the fictitious name of Mountain Auto Line, all rates to be in accordance with those heretofore filed with the Railroad Commission by O. R. Fuller under the fictitious name of the Mountain Auto Line.
4. The rights and privileges, the transfer of which are hereby authorized, may not again be transferred or assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.
5. No vehicle may be operated under this authorization to transfer by applicant Motor Transit Company, unless such vehicle is owned by such applicant or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 20th day of April, 1921.

H. J. Loveland

H. B. Brundage

Dwight M. Butler

Commissioners.