

Decision No. 9931

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of UNITED STAGES, INC. to sell and
of O. R. FULLER to purchase certain
franchise rights to operate an auto-
mobile stage line between Los Angel-
es and San Diego.

Application No. 5735.

----- ORIGINAL

BY THE COMMISSION:

OPINION

This is an application to authorize the sale and transfer by United Stages, Inc. to O. R. Fuller of certain personal property particularly described in Exhibit "A" attached to the application and of operative rights, franchises and permits held and used by United Stages, Inc. in its operations as a transportation company between Los Angeles and San Diego, California. The operative rights claimed by said United Stages, Inc. and sought to be transferred are also fully described in Exhibit "A" attached to the application.

This proceeding was consolidated for hearing with Case No. 1473, which was an investigation on the Commission's own motion into the operations, rules and practices of United Stages, Inc. and of Morgan Motor Company, a decision in which was heretofore rendered on the 27th day of December, 1921. Formal protests were filed by Compton Transportation Company and by A. B. Watson, owner and operator of the Crown Stage Line. A complaint in intervention was filed on behalf of Frederick Ernsting and others, urging that the operative

rights sought to be transferred really belonged to the complainants in that case, and setting forth the same reasons in support of this claim as were urged in the protests of E. C. Willis and others in Case No. 1473, above referred to. The claims of both the protestants and of the intervenors are disposed of in the decision in Case No. 1473, to which reference will be made in the order in this application. Public hearings were held before Examiner Gordon, evidence received, and the matter having been submitted is now ready for decision.

The purpose sought to be accomplished by the proposed transfer is a consolidation under one management and ownership of the auto stage operations between Los Angeles and San Diego. The evidence herein justifies the conclusion that it is in the public interest that the transfer be made of such operative rights as the United Stages, Inc. had for its operations as a transportation company between Los Angeles and San Diego. These rights are determined and fixed by Decision No. 9930 in Case No. 1473.

O R D E R

Application having been made by United Stages, Inc. to sell, and O. R. Fuller to purchase, certain personal property and operative rights to operate an automobile stage line between Los Angeles and San Diego, California, public hearings having been held thereon, and the matter submitted and being now ready for decision,--

IT IS HEREBY ORDERED that authorization be, and the same is hereby given to United Stages, Inc. to sell and transfer to O. R. Fuller, all or any part of the personal property, described on page 1 of Exhibit "A" attached to the application filed herein May 24, 1920, being also such operative rights,

franchises or permits heretofore held and used by said United Stages, Inc. in its operations as a transportation company over the routes and between the termini described as follows:

Between the termini of San Diego and Los Angeles and such intermediate points as are shown and designated on the time schedule and tariff of United Stages, Inc. in effect May 1, 1917, and over the route known as the Coast Highway to San Diego and Santa Ana, thence via the so-called Whittier Road or via the Telegraph Road as alternate routes between Santa Ana and Los Angeles; also between all points intermediate between Los Angeles and Capistrano on the one hand and San Diego and other stations as shown by said time schedule and tariff between San Diego and Capistrano on the other.

The authorization herein given is subject to the following terms and conditions:

Applicant, United Stages, Inc. shall, within ten (10) days from the effective date of this order, cancel all tariffs and time schedules on file pertaining to the operative rights herein authorized to be transferred, such cancellation to be in accordance with General Order No. 51 and other regulations of this Commission; and O. R. Fuller, the purchaser, shall cause to be filed within ten (10) days from the effective date of this order in his own name tariffs and time schedules identical with the tariffs and time schedules of United Stages, Inc. as amended pursuant to the order of the Commission heretofore made in its Decision No. 9930 in Case No. 1473.

The rights and privileges herein authorized to be transferred 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.

No vehicle may be operated by applicant, O. R. Fuller, unless such vehicle is owned or 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 drivers or operators shall bear the relation of employees to the transportation company.

The effective date of this order is hereby fixed and designated as the 12th day of January, 1922.

Dated at San Francisco, California, this 27th
day of December, 1921.

H. C. Brundage

H. H. Ireland

Irvine Martin

Robert H. Lane

W. J. Hendon

COMMISSIONERS.