

Decision No. 28441

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
McCLOUD RIVER RAILROAD COMPANY to
acquire the assets and franchises
of its wholly-owned subsidiary,
McCLOUD TRANSPORTATION CO., an
automobile passenger and baggage
line operated between Mt. Shasta and
McCloud, California.

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} Application No. 20267.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

The applicants, through their attorneys, have made a written request that Conditions Nos. 2 and 3 and the effective date of Decision No. 28387 herein be modified and extended.

Applicants allege as justification therefor:

That under the provisions of the Motor Carrier Act of 1935 it will be unlawful for McCloud River Railroad Company to acquire the assets of McCloud Transportation Co. without an order, after a hearing, from the Interstate Commerce Commission, authorizing such acquisition and that application for such permission must be made upon forms prepared by the Interstate Commerce Commission, which forms have not yet been made available.

O R D E R

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Conditions Nos. 2 and 3 of Decision No. 28387 herein be stricken therefrom and the following substituted therefor:

"2. Applicant McCloud River Railroad Company shall immediately unite with applicant McCloud Transportation Co. in common supplements of cancellation of all supplements of withdrawal and adoption, effective December 14, 1935, or any and all tariff filings made in compliance with Decision No. 28387, and shall within thirty (30) days from the effective date hereof unite in common supplements to the tariffs now on file with the Commission, covering service given under the certificates herein authorized to be transferred, applicant McCloud Transportation Co. on the one hand withdrawing, and applicant McCloud River Railroad Company on the other hand accepting and establishing such tariffs and all effective supplements thereto.

"3. Applicant McCloud Transportation Co. shall within thirty (30) days from the effective date hereof withdraw time schedules filed in its name with the Railroad Commission and applicant McCloud River Railroad Co. shall within thirty (30) days from the date hereof file, in duplicate, in its own name time schedules covering service heretofore given by applicant McCloud Transportation Co. which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant McCloud Transportation Co. or time schedules satisfactory to the Railroad Commission."

IT IS HEREBY FURTHER ORDERED that the effective date of Decision No. 28387 be, and it hereby is, extended to include March 15, 1936.

Decision No. 28387 in all other respects shall remain unaltered and in full force and effect.

Dated at San Francisco, California, this 13th day of December, 1935.

Leon A. Whipple
Mr. A. C. ...
W. B. ...
Frederick R. ...
COMMISSIONERS.