

Decision No. 30532

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JAMES K. NELSON and MILNER J. ANDERSON,
Trustee in Bankruptcy of Eberhard H.
Stahlbaum, a Bankrupt, for an order
authorizing the transfer of all of the
operative rights of San Diego-San
Francisco Steamship Company to applicant
James K. Nelson.

Application No. 21678

BY THE COMMISSION:

OPINION AND ORDER

Applicants seek an order authorizing the transfer by Milner J. Anderson to James K. Nelson of the interest said Milner J. Anderson now possesses in the operative rights of the San Diego-San Francisco Steamship Company.¹ They allege that Anderson is the duly appointed Trustee in Bankruptcy of Eberhard H. Stahlbaum, that the interest of Stahlbaum in the operative rights of the San Diego-San Francisco Steamship Company has passed to Anderson by operation of law, and that the Referee in Bankruptcy has authorized the sale of such interest to applicant Nelson for a consideration of two hundred fifty dollars (\$250.00).

On March 23, 1936, the San Diego-San Francisco Steamship Company was authorized to suspend service temporarily (Decision No.

¹ The tariffs of the San Diego-San Francisco Steamship Company, on file with the Commission, name rates for the transportation of property between San Francisco, Stockton and other points on San Francisco Bay and waters flowing therein, on the one hand, and Long Beach, San Diego and other points in southern California on the other hand; between San Francisco, Stockton, Long Beach and San Diego on the one hand and Monterey on the other hand; and also between Long Beach and San Diego, and for car loading and car unloading services.

28657 of March 23, 1936, and supplemental orders therein in Application No. 20417).

Applicants herein state that Nelson desires the authority herein sought in order that he may resume such service, and that he will resume it as soon as permission to effect the transfer is granted.

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 should be specifically understood that the Commission is not by this order passing upon or determining the character or extent of the operative rights here involved or the interest in such rights which Anderson may now possess. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Milner J. Anderson, Trustee, be and he is hereby authorized to transfer unto James K. Nelson the interest he now possesses in the operative rights of San Diego-San Francisco Steamship Company, subject to the following conditions:

1. The consideration to be paid for the operative right herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value for rate fixing, or any purpose other than the transfer herein authorized.
2. Applicant Milner J. Anderson, Trustee in Bankruptcy of Eberhard H. Stahlbaum, and James K. Nelson shall on or before fifteen (15) days from the effective date of this order, on not less than five (5) days' notice to the Commission and to the public, unite in common supplement to the tariffs on file with the Railroad Commission in the name of San Diego-San Francisco Steamship Company, applicant Milner J. Anderson, Trustee, on the one hand withdrawing and applicant James K. Nelson on the other hand adopting the tariffs as his own.
3. The operative rights herein authorized to be conveyed may not be sold, leased, transferred nor assigned,

nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 17th day of January, 1938.

Walter H. ...
John ...
Braun ...

Ray ...
Commissioners.