

Decision No. 32297

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
WARD G.ALLEN and V.C.LINVILLE, co-  
partners, doing business under the  
firm name and style of ALLEN & LINVILLE,  
to sell, and THOMAS B.RILEY, to pur-  
chase an automobile passenger line  
operated between Redding, California,  
and New Pine Creek on the State Line  
between Modoc County, California, and  
Lake County, Oregon.

ORIGINAL

First Supplemental  
Application No. 21053

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

On March 15, 1937, the Commission by its Decision No. 29600 in this proceeding, authorized the transfer of the operative rights, referred to therein, by Ward G.Allen and V.C.Linville, co-partners, doing business as Allen & Linville to Thomas B.Riley. Such authority was granted subject to the condition that it would lapse and become void if the conditions attached thereto were not complied with within the times fixed in the order of said Decision No. 29600. One of said conditions was not complied with, and the authority for the transfer is void.

Thomas B.Riley, petitioner herein, requests the Commission to issue an order re-stating and re-granting the authority heretofore conferred by said Decision No. 29600 for the purpose of permitting said petitioner to proceed under said authority and to comply fully with all the conditions thereof.

As justification therefor, petitioner alleges that through an oversight, condition No. 2 of said order, which required the filing of withdrawal and adoption supplements to the tariffs on file in the

name of applicants Allen and Linville, was not complied with during the period set forth in said condition for such filing; and, that the applicants therein have not, up to the present time, complied with said condition No. 2 of said order.

Petitioner further alleges that he believed that said condition, as set forth in said Decision No. 29600, had been complied with and had no knowledge, up to the time of filing of this supplemental application, that by reason of failure to so comply with condition No. 2 in said order, the transfer from Allen and Linville to petitioner herein, had not been completed; and, that petitioner acted in good faith in endeavoring to comply with the conditions of the order of said Decision and believed that at all times since the promulgation of said Decision No. 29600 that said order had been fully complied with.

FIRST SUPPLEMENTAL ORDER

Good cause appearing,

IT IS ORDERED that the order contained in Decision No. 29600, dated March 15, 1937, in the above-entitled proceeding, and each and all of the terms and provisions thereof, be and they are hereby adopted and made a part hereof by reference, to the same extent and with the same force and effect as though the same were here set forth in full; and

IT IS FURTHER ORDERED that, in lieu of the conditions contained in the order of said Decision No. 29600, the following conditions be, and they are hereby adopted and made a part hereof, to-wit:

1. The authority herein granted shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless for good cause shown, the time shall be extended by further order of the Commission.

2. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission, or any other rate fixing body, as a measure of value of said property for rate fixing, or for any purpose other than the transfer herein authorized.
3. Applicants W.G.Allen, V.C.Linville and T.B.Riley shall within twenty (20) days after the effective date of the order herein unite with applicant T.B.Riley in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicants W.G.Allen, V.C.Linville and T.B.Riley withdrawing and applicant T.B.Riley accepting and establishing such tariffs and all effective supplements thereto.
4. Applicants W.G.Allen, V.C.Linville and T.B.Riley shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in their name with the Railroad Commission and applicant T.B.Riley shall within twenty (20) days after the effective date of the order herein file, in duplicate, in his own name time schedules covering service heretofore given by applicants W.G.Allen, V.C.Linville and T.B.Riley which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant W.G.Allen, V.C.Linville and T.B.Riley or time schedules satisfactory to the Railroad Commission.
5. The rights and privileges herein authorized 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 obtained.
6. No vehicle may be operated by applicant T.B.Riley unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.
7. Applicant T.B.Riley shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

Dated at San Francisco, California, this 5th  
 day of September, 1939.

Raymond A. Allen  
W. C. Linville  
T. B. Riley  
James J. Cameron  
 COMMISSIONERS