

Decision No. 33475.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GEORGE V. FREETHY, an individual, to)
sell and WILLIAM G. FAHY, an individual,)
to buy, certain equipment, and the right)
to operate vessels as a common carrier) Application No. 23578
in the transportation of property on the)
inland water of the State of California)

BY THE COMMISSION:

ORIGINAL

OPINION AND ORDER

By this application George V. Freethy seeks authority to sell and William G. Fahy seeks authority to buy an operative right held by said George V. Freethy allegedly authorizing the transportation of property of specified kinds as a common carrier by vessel between certain points on San Francisco Bay and the Sacramento and San Joaquin rivers. ¹ In addition authority is sought to transfer the barge Freethy No. 6, together with machinery, tackles and other equipment. The sum of \$350 is to be paid for the operative right and the sum of \$4650 for the barge Freethy No. 6, the machinery, tackles and other equipment. Of the total consideration, \$1250 is to be paid upon execution of a conditional sales agreement, a copy of which is attached to the application as Exhibit "A", with the balance to be paid in monthly installments of \$150 with interest at 6 per cent.

This does not appear to be a matter in which a public hearing is necessary. The application will be granted. In authorizing the transfer of the operative right above referred to, however,

¹ By Decision No. 29463 of January 18, 1937, in Application No. 20485, George V. Freethy acquired a certificate of public convenience and necessity permitting an "on call" common carrier vessel service for transportation of brick, lumber and lumber products between designated points on San Francisco Bay and the Sacramento and San Joaquin rivers.

the Commission is not determining either the existence, character or extent thereof, but is merely permitting whatever operative right is held by George V. Freethy to be acquired by William G. Fahy.

The acquisition of the operative right and equipment involves the Commission's approval of the creation of an indebtedness which will not be paid within one year. Hence, the minimum fee of Twenty-Five Dollars (\$25) prescribed by Section 57 of the Public Utilities Act is due and the authority will be conditioned upon the payment of said fee.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that George V. Freethy be and he is hereby authorized to transfer whatever common carrier by vessel operative right he may possess, if any, together with all operating equipment, and William G. Fahy is authorized to acquire the said operative right and equipment in accordance with the terms of the conditional sale agreement attached to the application herein, subject to the following conditions:

1. Upon the transfer applicants shall immediately unite in common supplement to the tariffs on file with the Commission covering the service involved, applicant George V. Freethy on the one hand withdrawing and applicant William G. Fahy on the other hand accepting and establishing as his own said tariffs and all effective supplements thereto.

2. 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 for any purpose other than the transfer herein authorized.

3. The rights and privileges herein authorized to be transferred may not again be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the

written consent of the Railroad Commission to such sale, lease, transfer or assignment or discontinuance has first been secured.

4. The authority herein granted will become effective upon payment by applicant William G. Fahy of the fee of Twenty-Five Dollars (\$25) prescribed by Section 57 of the Public Utilities Act.

Dated at San Francisco, California, this 10th day of September, 1940.

Ray L. King
Frank Allen
Railroad
Commissioners.

\$ 25⁰⁰
RAILROAD COMMISSION
STATE OF CALIFORNIA
SEP 13 1940
7⁰⁰ 1925
By H. H. [Signature]
SECRETARY