

ORIGINAL

Decision No. 34364

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WILLIAM E. MERRITT and THOMAS W. HALE, a co-partnership, doing business as MERRITT-HALE BUS SERVICE for authority to sell to RAY WITHERS and ANDREW BYRD, a co-partnership, doing business as JOLON-KING CITY TRANSIT, the certificate of public convenience and necessity to operate a passenger bus service between Hearst Ranch Airport and King City, in the County of Monterey, State of California and intermediate points, granted by Decision No. 33697 in Application No. 23789.

) Application No. 24277

BY THE COMMISSION:

O P I N I O N

William E. Merritt and Thomas W. Hale, a co-partnership operating under the fictitious name and style of Merritt-Hale Bus Service, have petitioned the Railroad Commission for an order approving the sale and transfer by them to Ray Withers and Andrew Byrd, a co-partnership, of an operating right for the automotive transportation of passengers as a passenger stage corporation, as such is defined in Section 2-1/4 of the Public Utilities Act, between King City and Hearst Ranch Airport and intermediate points; and Ray Withers and Andrew Byrd have petitioned for authority to purchase and acquire said operative right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement, a copy of which marked Exhibit "A" is attached to and made a part of the application.

The consideration to be paid for the property herein proposed to be transferred is given as \$400.00, which is alleged by applicants to be the value of the intangibles. No equipment is proposed to be transferred.

The operative right herein proposed to be transferred was created by Decision No. 33690 dated December 3, 1940 on Application No. 23789 and the application shows that the Merritt-Hale Bus Service has been continuously operated since its lawful inception pursuant to schedules and tariffs on file with the Commission.

After full consideration of this matter the Commission is of the opinion that a public hearing is not necessary and that the public interest will be subserved by the granting of this application.

O R D E R

It having been found that public convenience and necessity so require,

IT IS ORDERED that William E. Merritt and Thomas W. Hale, a co-partnership, are hereby authorized to transfer to Ray Withers and Andrew Byrd, a co-partnership, the passenger stage corporation operative right referred to in the foregoing opinion, and Ray Withers and Andrew Byrd are hereby authorized to acquire said operative right and to hereafter operate thereunder.

IT IS FURTHER ORDERED that (1) William E. Merritt, Thomas W. Hale, Ray Withers and Andrew Byrd comply with Rule 9 of General Order 79 by filing in triplicate with sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public, a withdrawal and adoption notice as required by said General Order; and (2) Ray Withers and Andrew Byrd comply with Part IV of General Order 93-A within sixty (60) days from the effective date

of this order and upon not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 1st day of July, 1941.

W. B. Baker
Ray L. Tamm
Justice J. Cannon
Frank R. Havens
Richard L. Keene

COMMISSIONERS