

ORIGINAL

Decision No. 24353

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 C. F. FREDERICKSEN, P. C. FREDERICKSEN
 and H. C. FREDERICKSEN, dba C.F. Frederick-
 sen & Sons, to transfer, and ALMA
 MIDDLETON AKINS, dba A. M. Akins, to
 acquire certain highway common carrier
 operative rights for the transportation
 of property between Calistoga and Lower
 Lake, California, - - a "Grandfather"
 operation.

Application No.
 24353

BY THE COMMISSION:

O P I N I O N

C. F. Fredericksen & Sons are presently engaged in the transportation of property as a highway common carrier between Calistoga and Lower Lake and between Lower Lake and Stubbs Early Division (sometimes referred to as "Subs Early Division" and presently known as "Clear Lake Oaks"). The operative right between Calistoga and Lower Lake is a prescriptive right created by virtue of operations on and continuously subsequent to July 26, 1917 and acquired by said C. F. Fredericksen & Sons under the authority of the Commission's Decision No. 8711, dated March 5, 1921. The operative right between Lower Lake and Stubbs Early Division was created in said C. F. Fredericksen & Sons by the Commission's Decision No. 14516, dated January 30, 1925 in Application No. 10762. In this application C. F. Fredericksen & Sons have petitioned the Railroad Commission for an order approving the sale and transfer by them to A. M. Akins of the prescriptive operative right between Calistoga and Lower Lake; and A. M. Akins has petitioned for authority to purchase and acquire that operative right and hereafter to operate thereunder. The transfer is

to be in accordance with an agreement, a copy of which, marked "Exhibit A," is attached to the application herein and made a part thereof. The consideration involved is the nominal consideration of one dollar. No equipment is involved in the transfer.

C. F. Fredericksen & Sons have also petitioned for authority to discontinue and abandon the certificated highway common carrier operative right between Lower Lake and Stubbs Early Division as created by Decision No. 14516. A. M. Akins, transferee herein, is presently engaged in providing highway common carrier service between Calistoga, Lower Lake and Stubbs Early Division, paralleling in whole the present operations of C. F. Fredericksen & Sons. He proposes to consolidate with his present operations the right he seeks to acquire from the transferor.

It is alleged that the limited abandonment proposed is required for the reason that the extent of traffic, and revenue derived therefrom, between Lower Lake and Stubbs Early Division does not warrant the maintenance and operation of two highway common carrier services between those points. The application shows that service under the Fredericksen rights has been provided continuously for the past two years on a daily basis.

Full consideration has been given to this matter. The Commission is of the opinion that a public hearing is unnecessary and that public convenience and necessity require that the application be granted.

O R D E R

Good cause appearing:

IT IS ORDERED that C. F. Fredericksen & Sons are hereby authorized to transfer to A. M. Akins the prescriptive highway common carrier operative right between Calistoga and Lower Lake as referred to in the foregoing opinion; and A. M. Akins is hereby authorized to purchase and acquire said operative right as an extension and enlargement of his present operative right between those points and hereafter to operate thereunder.

IT IS FURTHER ORDERED that C. F. Fredericksen & Sons are hereby authorized to discontinue and abandon the highway common carrier operative right between Lower Lake and Stubbs Early Division, and intermediate points, and the operative therefor heretofore created by the Commission's Decision No. 14516 is hereby revoked and annulled.

IT IS FURTHER ORDERED that applicants herein shall comply with the rules of the Commission's General Order No. 80 and with Part IV of the Commission's General Order No. 93-A by filing in triplicate tariffs and time schedules, as required by such rules, 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 29th day of July, 1941.

[Signature]

Justus P. Casner
Francis R. Havenor
[Signature]
COMMISSIONERS