

Decision No. 35679

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CALAVERAS TRANSIT COMPANY, LTD., a)
corporation, to sell and J. P.)
SPAENHOWER, an individual, doing)
business as STOCKTON DELIVERY COMPANY,)
to buy certain operating rights for the)
transportation of property as a highway)
common carrier between Stockton and)
Lake Alpine, California, and inter-)
mediate points, as set forth in)
Decisions 18722, 31143, 25997 and 31973.)

Application No. 25191

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Calaveras Transit Company, Ltd., a corporation, has petitioned the Commission for an order approving the sale and transfer by it to J. P. Spaenhower, an individual, of highway common carrier operative rights for the transportation of property between Stockton, Murphys and Lake Alpine and intermediate points. J. P. Spaenhower has petitioned for authority to purchase and acquire those operative rights from Calaveras Transit Company, Ltd. and thereafter to operate thereunder.

The right between Murphys and Lake Alpine and intermediate points was created by Decision No. 25997, dated May 29, 1933, in Application No. 18890. Thereafter under the authority of the Commission's Decision No. 31143, dated August 1, 1938, in Application No. 22034, Calaveras Transit Company, Ltd. was authorized to acquire a highway common carrier operative right between Stockton and Murphys and intermediate points as created by Decision No. 18722, dated August 17, 1927, in Application No. 13665. Those two rights were consolidated by the Commission's Decision No. 31973, dated May 2, 1939, in Application No. 22697.

The transfer is to be made in accordance with an agreement between the parties, a copy of which, marked Exhibit "A," is attached to the application. It appears that the consideration for the transfer involved is \$6,000. Applicants allege that operations under those rights are now and have been continuously conducted and have never been permitted to lapse or be abandoned.

After full consideration of this matter, the Commission is of the opinion and so finds that the request for authorization for the proposed transfer is in the public interest and a public hearing is not necessary. The application will be granted.

ORDER

Based upon the foregoing finding,

IT IS ORDERED that Calaveras Transit Company, Ltd., a corporation, is hereby authorized to transfer to J. P. Spaenhower, an individual, the operative rights referred to in the foregoing opinion. J. P. Spaenhower is hereby authorized to purchase and acquire those operative rights and thereafter to operate thereunder.

J. P. Spaenhower, his successors or assigns, may never claim before this Commission, or any court or other public body, a value for the intangibles hereby authorized to be transferred.

IT IS FURTHER ORDERED that applicants herein shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on 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, August 11, 1942.

Justice J. Cameron

W. B. A. [unclear]
Francis J. Haberman
Richard Stokes

COMMISSIONERS