

Decision No. 36020

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. K. CHALLEN to sell, and O. L.)
 HARLAN to purchase an automobile) Application No. 25351
 passenger line operated between San)
 Jose and Permanente, California.)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

By Decision No. 35428, dated June 2, 1942, on Application No. 24953, the Commission granted to J. K. Challen and O. L. Harlan, partners, a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service between San Jose and Permanente and intermediate points subject to a restriction as therein set forth.

In the above-entitled application the Commission is requested to authorize J. K. Challen to sell and transfer to O. L. Harlan all of Challen's interest in the aforesaid operative right and equipment used in providing that service. The consideration to be paid is stated to be \$1300. Payment in full of the purchase price is to be made upon receipt of the authority of the Railroad Commission for the transfer requested. Such request appears to be in the public interest and will be granted. This does not appear to be a matter in which a public hearing is necessary.

O R D E R

The Commission having considered applicant's request,

IT IS ORDERED as follows:

(1) That J. K. Challen may sell and transfer all of his interest in and to the operative right created by Decision No. 35428, on Application No. 24953 and the equipment used in conducting service thereunder to O. L. Harlan; and that O. L. Harlan may purchase and acquire from J. K. Challen the interest of said Challen in said operative right and equipment and thereafter operate thereunder.

(2) That J. K. Challen and O. L. Harlan shall within thirty (30) days from the effective date hereof unite in a common supplement to the tariffs on file with the Commission pertaining to the service rendered pursuant to the operative right herein authorized to be transferred, J. K. Challen withdrawing and O. L. Harlan accepting, adopting and establishing such tariffs and all effective supplements thereto.

(3) That J. K. Challen and O. L. Harlan shall, within thirty (30) days from the effective date hereof, cancel and withdraw all time schedules filed in their names with the Commission pertaining to the service rendered pursuant to the operative right herein authorized to be transferred and O. L. Harlan shall, within thirty (30) days from the effective date hereof, file, in triplicate, in his own name, time schedules identical with those established by Challen and Harlan or time schedules satisfactory to the Commission.

(4) That the authority herein granted is subject to the provisions of section 52(b) of the Public Utilities Act, and further to the condition that O. L. Harlan, his successors or assigns, shall never claim before this Commission or any court or any other public body, a value for said operating right, or claim as the cost thereof, an amount in excess of that paid for said right by those to whom said right was originally granted.

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

Dated at San Francisco, California, this 15th day of December, 1942.

Justin J. Gorman

[Signature]

Francis D. Havenner

Richard Kachse

COMMISSIONERS