

Decision No. 39480

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
D. MOYERS, an individual, doing business)
under the firm name of MOYERS STAGES for)
authority to sell and transfer certain)
passenger stage operative rights and)
equipment to PACIFIC GREYHOUND LINES, a)
corporation, and authorizing PACIFIC)
GREYHOUND LINES to acquire said passenger)
stage operative rights and equipment and)
to consolidate said rights with the)
remainder of its system.)

ORIGINAL

Application No. 27790

O P I N I O N

By the above entitled application; the Commission is requested to authorize D. Moyers; doing business as Moyers Stages, to sell, and Pacific Greyhound Lines to purchase certain passenger stage operative rights and passenger stages. The operative rights involved extend in general between Fresno and Tracy via Mendota; Los Banos and Patterson, between Merced and Gilroy via Los Banos; and between Patterson and Modesto.

- (1) The operative rights proposed to be transferred were created in the following manner:
 Decision No. 28868, dated June 8, 1936; granted a certificate to Moyers authorizing the transportation of passengers, baggage and express over and along the following routes; which are proposed herein to be transferred:
- "(1) Between Tracy and Fresno, via Los Banos and Mendota using the main Highway, with optional service to and from Kerman;
 - "(2) Between Merced and Wheel Inn; via the main highway, through El Nido;
 - "(3) Between Gilroy and Los Banos via the Pacheco Pass Highway."

This decision also granted a certificate to Moyers between Fresno and The Pines which Moyers will retain.

Decision No. 30809, dated April 25, 1938, granted a certificate to Moyers to conduct passenger, baggage and express service, "between Patterson and Modesto and intermediate points, via Mountain View School, Turlock, Keyes and Ceres, over and along Glendora Highway, Los Palmas Avenue and U. S. Highway No. 99, with diversion to Modesto from Mountain View School at the option of applicant,..." This certificate contained a restriction prohibiting local service between Turlock and Modesto.

The proposed sale would be made pursuant to an agreement attached to the application as Exhibit "C". The purchase price is stated to be the sum of \$222,500 to be paid to the seller by the buyer, for the properties and rights free and clear of all liens, encumbrances, indebtedness or liabilities of any kind within 10 days after the effective date of the agreement. ⁽²⁾ The agreement states that it shall not be considered effective as an executed agreement until it shall have first been approved by the Railroad Commission to the extent of its jurisdiction. The automotive equipment included in the agreement of purchase consists of 13 Flexible Clippers, varying in year models from 1939 to 1942. Seven of the units are of 25 seated passenger carrying capacity and the remainder are 29. According to the application the reasonable value of the automotive equipment involved is \$59,850, and the remainder of the purchase price \$162,650, represents the value of the operative rights and other intangibles. The application states that upon the acquisition of the rights and property by the transferee, the transfer of passengers now required at several points will be eliminated; that the consolidation of the services of transferee and transferor will eliminate various duplicated expenses and enable the transferee to establish through schedules through the present junction points of the two operations.

(1) Contd.

Decision No. 32357, dated September 26, 1939, fixed the limits on express to shipments not exceeding 100 pounds in weight and to be transported on passenger carrying vehicles only.

(2) Applicant Moyers reports revenues and expenses of the operation proposed to be transferred as follows:

	Gross Operating Revenue	Gross Operating Expense	Net Operat- ing Revenue
1942	\$ 131,447.23	\$ 62,585.22	\$ 68,862.01
1943	204,291.21	82,443.74	121,847.47
1944	220,149.65	110,654.94	109,494.71
1945	196,587.53	110,587.61	85,999.92
1946 (1st 6 mos)	96,653.36	57,364.97	39,288.39

The Commission has considered this matter and is of the opinion that a public hearing is not necessary and that an order should be made granting applicants' requests. In rendering this order, the Commission is not making a finding of value of the properties and operative rights her-in authorized to be transferred.

O R D E R

An application having been made to the Commission requesting authority to transfer operative rights and property, and,

Good cause appearing,

IT IS ORDERED as follows:

(1) That D. Moyers may, after the effective date hereof and on or before December 31, 1946, sell and transfer to Pacific Greyhound Lines, and the latter may purchase and acquire the equipment and operative rights referred to in the foregoing opinion and thereafter operate thereunder, said transfer to be made pursuant to the terms and conditions of the agreement attached to the application as Exhibit "C".

(2) That the operative rights, when acquired by Pacific Greyhound Lines, shall be consolidated with and become a part of the operative rights created by Decision No. 23244, dated December 31, 1930.

(3) That applicants shall comply with the rules of the Commission's General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective tariffs and time tables satisfactory to the Commission within 60 days from the effective date of this order and on not less than one day's notice to the Commission and the public.

(4) That Pacific Greyhound Lines shall file with the Commission on or before January 31, 1947, a copy of the entry, or entries, used to record on its books of account the purchase and acquisition of the property herein authorized to be transferred.

The effective date of this order shall be 10 days from the date hereof.

Dated at San Francisco, California, this 8th day of October, 1946.

Harold P. Hild
Justice J. Cooney
William C. Brown
James H. Howell
A. J. Johnson
 COMMISSIONERS