

Decision No. 52873

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Supplemental)
Application of Santa Fe Transportation)
Company, a California corporation, and)
Thoburn S. Haworth, Ruth H. Haworth,)
Bryan W. Haworth and Margaret Haworth,)
partners, doing business as Orange Belt)
Stages, for an order approving Supplemental)
Contract No. 2 providing for the per-)
formance by Orange Belt Stages of intra-)
state service between Porterville and)
Hanford, California.)
)
)

First Supplemental
Application No. 32050

SUPPLEMENTAL OPINION

By their supplemental application Santa Fe Transportation Company (hereinafter called Santa Fe) and Thoburn S. Haworth, Ruth H. Haworth, Bryan W. Haworth and Margaret Haworth, copartners, doing business as Orange Belt Stages (hereinafter called Orange Belt) seek approval of an extension and amendment of an original agreement dated December 8, 1950, entered into by and between the applicants herein and approved by this Commission under Decision No. 45373, dated February 20, 1951, in the original application herein. Said agreement provided for the performance by Orange Belt of intrastate services then being performed by Santa Fe between Porterville and Hanford, and intermediate points. Under Paragraph 2 of Article II of said agreement, Santa Fe guaranteed Orange Belt a minimum rate of fifteen cents per bus mile (excluding express revenues) for the performance of said services. The term of said agreement was five years, unless sooner terminated by notice.

On October 7, 1954, a supplemental agreement was entered into between the parties hereto, which is attached to the Application and designated Supplemental Agreement No. 1, for the purpose of amending Paragraph 2 of Article II of the original agreement dated December 8, 1950, and increasing the guaranteed minimum rate of

fifteen cents per bus mile to twenty-three cents per bus mile. Applicants state that through inadvertence the supplemental agreement was entered into without obtaining the approval of this Commission.

The proposed extension and amendment for which approval is sought by this supplemental application is designated as Supplemental Agreement No. 2 and a copy thereof is attached to the application and marked Exhibit "B".

This extension agreement would amend Paragraph 2 of Article II of the original agreement by providing for a guaranteed minimum rate of twenty-five cents per bus mile. The agreement would have no fixed term but would be cancellable upon sixty days' notice by either party and Orange Belt would be required to furnish Santa Fe, within sixty days after the close of each calendar month, statements to support its claim for the guaranteed minimum rate for that month. In all other respects the provisions contained in the original contract of December 8, 1950, would remain the same.

In the circumstances it appears that this is a matter in which a public hearing is not necessary and we are of the opinion that the proposed extension and amendment designated Supplemental Agreement No. 2 as attached to the supplemental application herein is not adverse to the public interest. The Commission, therefore, finds that the extension and amendment entered into by the parties should be approved subject to such changes or modifications as the Commission may from time to time direct in the exercise of its jurisdiction.

ORDER

A supplemental application as above-entitled having been made and the Commission being fully advised in the premises,

IT IS ORDERED that the agreement by and between Thoburn S. Haworth, Ruth H. Haworth, Bryan W. Haworth and Margaret Haworth, copartners, and Santa Fe Transportation Company, a corporation, a copy of which is attached to the application in the above-entitled proceeding as Exhibit "B", be and it is hereby approved, subject to such changes or modifications as the Commission may from time to time direct in the exercise of its jurisdiction and the parties are hereby authorized to execute said agreement.

IT IS FURTHER ORDERED that said agreement shall not be terminated by either party except upon sixty days' written notice to this Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of April, 1956.

John E. Mitchell
President

Justin J. Casper

Ralph W. Lutz

W. Hardy

Commissioners