

McS.

Decision No. 11846

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
C. A. WARE to sell and F. B. McCARTHY :
to purchase an automobile truck line) Application No. 8828
operated between Brawley and Westmore- :
land, California.)

BY THE COMMISSION,

ORDER

C. A. Ware and F. B. McCarthy have filed a joint application with the Railroad Commission in which they apply for an order authorizing Ware to sell and McCarthy to purchase a certain automobile truck line.

The operative right herein proposed to be transferred was obtained by C. A. Ware under Decision No. 8985 in Application No. 6533, dated May 21, 1921, and authorizes the operation of an automobile truck line as a common carrier of freight between Brawley and Westmoreland, Imperial County, California.

The consideration to be paid for the property herein proposed to be transferred, as stated in the application, is the sum of \$1,500.00, of which amount \$1,000 represents the value of physical property involved in the transfer.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is granted, subject to the following

1.

conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate-fixing body as a measure of value of said property for rate fixing or any purpose other than the transfer herein authorized.

2. Applicant Ware shall immediately cancel tariff of rates and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 of the Railroad Commission.

3. Applicant McCarthy shall immediately file, in duplicate, in his own name, tariff of rates and time schedules, or adopt as his own the tariff of rates and time schedules as filed by applicant Ware. All tariff of rates and time schedules to be identical with those as filed by applicant Ware.

4. The rights and privileges herein authorized to be transferred shall not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by applicant McCarthy unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24th day of March, 1923.

C. Seavey
H. B. ...
James Martin
George Shore
J. P. Whittaker
Commissioners