

McS

Decision No. 11853.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

In the Matter of the Application of)
 SAM NEWTON and M. W. AYERS, co-partners)
 petitioning the Railroad Commission of)
 the State of California, for authority)
 to transfer from Sam Newton to M. W. Ayers) Application No. 8847
 the operative rights for conduct of)
 contract motor truck service between)
 San Francisco and Gilroy, California.)

BY THE COMMISSION,

ORDER

In this proceeding Sam Newton and M. W. Ayers have filed a joint application with the Railroad Commission in which they petition for an order authorizing Newton to sell and Ayers to purchase the interest of Newton in an automobile truck line operated between Gilroy and San Francisco, California.

The operative right herein proposed to be transferred was originally obtained by the co-partnership, Newton & Ayers, under Decision No. 8840 in Application No. 6516, dated April 9, 1921, and authorizes the operation of an automobile truck line as a common carrier of freight between Gilroy and San Francisco, not serving any intermediate points between San Francisco and points north of San Martin, north bound traffic to be limited to cheese, eggs, dairy and poultry products.

The consideration to be paid for the interest in the property herein proposed to be transferred is given as the sum of \$9,265.00 and includes two 3-ton Packard trucks, one 4-ton Packard

truck, two 1-ton G. M. C. trucks and 4 trailers of varying capacity. Certain real property is also 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 conditions:

1. Applicant M. W. Ayers shall file his written acceptance of the certificate herein authorized to be transferred from the co-partnership to himself as an individual, which written acceptance shall contain a statement to the effect that he fully understands the limitations contained in such certificate and that operation will be conducted in strict conformity therewith.

2. 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.

3. Applicants Newton and Ayers, co-partners, shall immediately cancel tariff of rates and time schedules now on file with the Commission covering the service, certificate for which is herein authorized to be transferred, such cancellation to be in accordance with the provisions of General Order No. 51.

4. Applicant Ayers, as an individual, 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 the co-partnership, Newton & Ayers. All tariff of rates and time schedules to be identical with those as filed by Newton & Ayers, co-partners.

5. 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.

6. No vehicle may be operated by applicant Ayers 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 29th
day of March, 1923.

C. Deary

Waring Martin
Geoffrey Shore

Commissioners