

McS

Decision No. 11960.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oCo-

ORIGINAL

In the Matter of the Application of  
M. W. AYERS, JAMES BELL and CHARLES  
GRIFFIN petitioning the Railroad Com-  
mission of the State of California,  
for authority to transfer from M. W.  
AYERS to JAMES BELL and CHARLES GRIFFIN  
the operative rights for conduct of  
contract motor truck service between  
San Francisco and Gilroy, California.

)  
:  
) Application No. 8892  
:  
)  
:  
)

BY THE COMMISSION,

ORDER

M. W. Ayers has filed a joint application with  
Charles Griffin and James Bell, co-partners, in which Ayers  
applies for an order authorizing him to sell and the co-partners  
for an order authorizing them to purchase and operate a certain  
automobile truck line operated as a common carrier of freight.

The operative right herein proposed to be  
transferred was originally granted to Newton and Ayers under  
Decision No. 8840 in Application No. 6516 and authorizes the  
operation of an automobile truck line as a common carrier of  
freight between Gilroy and San Francisco, but expressly pro-  
hibits the rendering of service to 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 property

1.

herein proposed to be transferred is given as the sum of \$35,000.00 and includes, in addition to the operative right five  $3\frac{1}{2}$ -ton trucks, one  $6\frac{1}{2}$ -ton truck, one 5-ton truck, one  $5\frac{1}{2}$ -ton truck, two 1-ton trucks, three 5-ton trailers, four miscellaneous trailers, together with certain real property not used in a public utility business.

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. Applicants Griffin and Bell shall file their written acceptance of the certificate herein authorized to be transferred to them which written acceptance shall contain a statement to the effect that they fully understand the limitations contained in such certificate and that operation will be conducted in strict conformity therewith.
2. Applicant M. W. Ayers shall immediately cancel tariff of rates and time schedules now on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such cancellation to be in accordance with the provisions of General Order No. 51 of the Railroad Commission.
3. Applicants Griffin and Bell shall immediately file, in duplicate, tariff of rates and time schedules covering service, certificate for which is herein authorized to be transferred to them, or adopt as their own the tariff of rates and time schedules as filed by applicant Ayers. All tariff of rates and time schedules to be identical with those as filed by applicant Ayers.
4. 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.
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 applicants Griffin and Bell, co-partners, unless such vehicle is owned by them or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

24<sup>th</sup> Dated at San Francisco, California, this day of April, 1923.

C. Seamy  
H. B. ...

J. F. Whittlesy  
Commissioners