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Decision No. 12607

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of  
C. E. TOLSON to sell and H. M. TOLSON to  
purchase and operate an automotive truck : Application No. 9350  
line between Los Angeles, Huntington Beach  
and certain intermediate points, California.)

BY THE COMMISSION,

ORDER

C. E. Tolson has filed a joint application with H. M. Tolson in which they petition for an order authorizing C. E. Tolson to sell and H. M. Tolson to purchase and operate an automotive truck line as hereinafter described.

The operative right herein proposed to be transferred was obtained by C. E. Tolson under Decision No. 10127 in Application No. 7408, dated February 27, 1922, which decision authorized one James F. Nutty to sell and C. E. Tolson to purchase a certificate authorizing the operation of an automotive truck line as a common carrier of freight between Los Angeles, Seal Beach, Anaheim Landing, Westminster, Smeltzer, Wintersburg, Huntington Beach and intermediate points.

The consideration involved in the present proceeding is given in the Agreement of Sale as follows:

The proposed purchaser to assume the payment of \$9,964.00 hereinafter to become due on the purchase price of three Mack trucks, including one 5-ton truck and two 2½-ton trucks; further to assume the payment of approximately \$3,100, being the balance due from C. E. Tolson to James F. Nutty covering property hereinbefore pur-

chased, for which the proposed purchaser will receive the equity of the seller in the above mentioned property, together with all his interest and title to office equipment and terminal facilities used in the operation of motor truck service. The nominal sum of \$1.00 is given as the amount to be paid for the operative right proposed to be transferred.

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. 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 C. E. Tolson shall immediately cancel all tariff of rates and time schedules 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.

3. Applicant H. M. Tolson shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service, certificate for which is herein authorized to be transferred to him, or adopt as his own the tariff of rates and time schedules as heretofore filed by applicant C. E. Tolson, all tariff of rates and time schedules to be identical with those as filed by said C. E. Tolson.

4. The rights and privileges herein authorized to be transferred may 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 H. M. Tolson 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 13<sup>th</sup>  
day of September, 1923.

C. L. Shaw  
H. A. Sandberg  
Irving Martin  
Everton Shore  
J. P. Whittley  
Commissioners