

Decision No. 12855

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
the RICE TRANSPORTATION COMPANY, a)
corporation, for an order granting)
permission to sell and transfer and)
E. E. SCHURICHT to purchase and op-)
erat auto truck transportation line)
between Los Angeles, Long Beach and)
intermediate points.)

Application No. 9503.

BY THE COMMISSION:

ORDER

This is a joint application filed by the Rice Transportation Company, a corporation, and E. E. Schuricht, in which a petition for an order of the Railroad Commission authorizing the corporation to sell, and Schuricht to purchase and operate, that portion of the operative right of the corporation at the present time being operated as an automotive truck line between Los Angeles, Long Beach and certain intermediate points in California.

It appears from the records of the Commission that one E. G. Rice was operating an automotive truck line as a common carrier of freight between Venice, Los Angeles and Long Beach prior to May 1, 1917. This operative right, as a unit, was subsequently authorized to be transferred to G. R. Cleveland, who later formed a corporation under the name of "Rice Transportation Company," and transferred such operative right to the corporation, which has since been operating thereunder. On December 22, 1922, the corporation filed an application asking for permission to transfer a portion of such operative right,

namely, that portion between Long Beach, Los Angeles and intermediate points. In its Decision No. 11,604, the Railroad Commission, after hearing, denied the application upon the ground that only one operative right existed, which was indivisible, and portions thereof could not be transferred. Later, on March 1, 1923, a similar application was filed for permission to transfer the same identical portion of the operative right as that involved in a prior proceeding. This application was also denied. Now comes the same applicant in an identical proceeding, in which a petition for an order authorizing the transfer of the same portion of its operative right as that involved in the two prior proceedings above mentioned.

The present application further sets forth that

"This transaction has been approved by the stock holders and the directors of the Rice Transportation Company at a meeting regularly held, at which meeting all outstanding shares of stock were voted."

The Commission is now in receipt of a letter from Mrs. Mary Kern, owner of more than one-third of the total outstanding shares of stock of the Rice Transportation Company, which letter sets forth that said Mary Kern is opposed to the transfer herein contemplated, and, as a stockholder, does not approve of the transfer as contemplated.

In view of the past applications filed by this corporation, statements set forth in the present application and the communication received by the Commission bearing thereon, we can only state that the action of the officials of the Rice Transportation Company cannot be commended. The application will be denied.

IT IS HEREBY ORDERED, that the above-entitled

application be, and the same is hereby denied.

Dated at San Francisco, California, this 22 day
of November, 1923.

C. Seaver

H. B. Bondage

Deering Martin

Eugene Stone

J. H. Whittney
Commissioners.