

MM

Decision No. 13521

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of S. R. PEART to sell and )  
J. O. BRAY to buy the automobile )  
freight truck line between Fresno )  
and Caruthers in Fresno County, )  
California. )

Application No. 9994

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**ORIGINAL**

BY THE COMMISSION.

O R D E R

S. R. Peart and J. O. Bray, in a joint application ask authority, the former to transfer and the latter to acquire, an operative right under which applicant Peart has been conducting an automotive freight truck line between the city of Fresno and the town of Caruthers.

In its order in Application Number 9002 the Commission granted to Peart a certificate of convenience and necessity to operate a truck line for the transportation of freight and express between Fresno and Caruthers via Elm Avenue and Mt. View Avenue. He has been operating under the fictitious name of Fresno-Caruthers Auto Truck Line. In proposing to transfer this operating right Peart sets up that Bray has agreed to pay him \$700.00 for the business, this amount to cover operating right, good will of the business and one truck.

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 Peart shall immediately cancel 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 Bray shall immediately file, in duplicate, tariff of rates and time schedules or adopt as his own the tariff of rates and time schedules for said service as heretofore filed by applicant Peart. All tariff of rates and time schedules to be identical with those as filed by applicant Peart.

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 Bray unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 5<sup>th</sup> day of  
May, 1924.

C. S. Lewis

H. A. ...

J. T. Whittney