

Decision No. 14714

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Claude Sears, operating under the
fictitious name of Winters Truck, to
sell and W. L. WARNER to purchase an
automobile freight line operating be-
tween Sacramento, Davis and Winters,
California.)
Application No. 10939

BY THE COMMISSION -

O R D E R

ORIGINAL

Claude Sears has petitioned the Railroad Commission for authority to sell and transfer an operating right authorizing an auto service for the transportation of freight between Sacramento and Winters and intermediate points. W. L. Warner has petitioned for authority to acquire said operating right and to operate thereunder, the transfer to be in accordance with the terms of an agreement to sell, attached to the application herein and made a part thereof.

The operating right herein sought to be transferred was granted to applicant Sears by the Railroad Commission in its Decision No. 7249, dated March 22, 1920, on Application No. 5116.

The consideration to be paid for the property herein proposed to be transferred is given as \$650.00, which sum is said to represent the value of the operating right and the privileges and good will of the business established by Sears. No equipment is involved, applicant Warner proposing to use his own equipment. Warner now operates, under authority of the Commission, an auto service for the transportation of freight between Sacramento and Woodland, serving as an intermediate point the community of Davis.

We are of the opinion that this is not a matter in which a public hearing is necessary and that the application should be granted. Authorization to transfer, and sell, as granted herein, shall not, however, be construed as granting to applicant Warner any authority to merge the operating right heretofore granted to Sears with the operating right covering service given by Warner between Sacramento and Woodland, via Davis, nor shall it convey to applicant Warner any authority to give a lesser or any different service between Sacramento and Winters than is now being given by applicant Sears without first obtaining from the Railroad Commission authority to make such change.

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 Sears 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 Warner shall immediately file, in duplicate, tariffs 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 Sears. All tariff of rates and time schedules to be identical with those as filed by applicant Sears.
- 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 Warner 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 27th day
of March, 1925.

H. H. Undergo

C. Leaver

Egerton Shore

George D. Squires

Emundson

COMMISSIONERS.