

Decision No. 14821

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
M.O. Duncan to sell, and Forest F.)
Sullivan to purchase a one-half interest) Application No. 11013
in automobile freight line operating)
between Los Angeles and Lancaster.)

BY THE COMMISSION -

OPINION AND ORDER

M. O. Duncan has petitioned the Railroad Commission for authority to sell and transfer a one-half interest in an operating right for an automotive freight service between Los Angeles and Lancaster and intermediate points, and Forest F. Sullivan, has asked for authority to acquire said half interest and to hereafter operate as sole owner the auto service heretofore conducted by Duncan and Sullivan as co-partners, the sale and transfer to be in accordance with the terms of an agreement marked "Exhibit A" which is attached to the application herein and made a part thereof.

The operating right, a one-half interest in which is herein proposed to be transferred, was acquired by Duncan and Sullivan, co-partners, by purchase from Walter Kiehofer, approval of the transfer having been granted by the Commission in its Decision No. 10,068, dated February 8, 1922, on Application No. 7416. The business has been conducted under the fictitious name of Red Line Express.

The consideration to be paid for the property herein proposed to be transferred is given as \$4500. Of this sum \$4000. is said to represent one-half the value of certain equipment

involved in the transaction and \$500 is said to represent one-half the value of the operating right.

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.

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 Duncan 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 Sullivan 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 Duncan. All tariff of rates and time schedules to be identical with those as filed by applicant Duncan.
- 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 Sullivan 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 20th day of April, 1925.

Chas. J. ...

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