

Decision No. 15068

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
O. O. DAVIS to sell, and Louis T.)
Fletcher and Elmer Tremble to purchase) Application No. 11,192
auto freight track line operated between)
Los Angeles and La Habra, Fullerton and)
Anaheim.)

BY THE COMMISSION -

OPINION AND ORDER

ORIGINAL

O. O. Davis has petitioned the Railroad Commission for authority to sell and transfer an operating right for an automotive truck service for the transportation of freight between Los Angeles, La Habra, Fullerton and Anaheim, and Louis T. Fletcher and Elmer Tremble, co-partners, have petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, said sale and transfer to be in accordance with an agreement marked Exhibit "A" which exhibit is attached to the application herein, and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$1175, which sum is said to represent the value of the operating right and the good will of the business conducted by applicant Davis under the name of Merchants Express. No equipment is involved. The operating right herein proposed to be transferred was acquired by applicant Davis from Sharp & Son, the Railroad Commission approving the transfer in its Decision No. 10467, dated April 6, 1922, on Application No. 7730.

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 application herein be, and the same hereby is granted, subject to the following conditions:

- 1- Authorization of the transfer as petitioned for herein shall not be construed to convey to Fletcher and Tremble, applicants herein, any authority to link up or merge the operating right acquired from applicant Davis with the rights now owned by the co-partners and operated by them under the fictitious name of Service Motor Express; nor shall it convey to said co-partners authority to give any lesser or different service than is now being given by applicant Davis, unless authority to make such change shall first have been secured from the Railroad Commission.
- 2- 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.
- 3- Applicant Davis 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.
- 4- Applicants Fletcher and Tremble shall immediately file, in duplicate, tariffs of rates and time schedules or adopt as their own the tariff of rates and time schedules for said service as heretofore filed by applicant Davis. All tariff of rates and time schedules to be identical with those as filed by applicant Davis.
- 5- 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.
- 6- No vehicle may be operated by applicants Fletcher and Tremble unless such vehicle is owned by said applicants or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 15th day of June, 1925.

H. R. Brundage
C. S. Seavey

George D. Squires
James H. Scott
COMMISSIONERS.