

ORIGINAL

Decision No. 15366

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
RICE TRANSPORTATION COMPANY, Inc.,
a corporation, to sell, and of
ZIMMERMAN BROTHERS, a partnership, to Application
purchase that portion of the operative No. 11,651
right now possessed by Rice Transportation
Company, Inc., between Los Angeles and
Long Beach and intermediate points.

BY THE COMMISSION -

OPINION AND ORDER

Rice Transportation Company, Inc., has petitioned the Railroad Commission for authority to sell and transfer an operating right for the transportation of freight between Los Angeles and Long Beach and intermediate points, and E. E. Zimmerman and Albert F. Zimmerman, also referred to as Zimmerman Brothers, co-partners, have applied for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement of sale 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 \$2000, which is said to be the value of the operating right and the good will of the Rice Transportation Company in its operations between Los Angeles and Long Beach and intermediate points. Rice Transportation Company, Inc., also operates an auto truck service between Los Angeles, Venice, Santa Monica and intermediate points, which service is not involved in the instant proceeding.

The operating right herein proposed to be transferred was acquired by G. R. Cleaveland by purchase from the "Rice Auto Delivery" which concern had established the right by

reason of operation prior to May 1, 1917. The Commission approved the transfer to Cleveland in its Decision No.8243, dated October 15,1920, on Application No.6120. By Decision No.9188, dated June 30, 1921, on Application No.6759, the Commission approved the sale and transfer of the right by Cleveland to Rice Transportation Company, Inc.

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 Rice Transportation Company 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- Applicants Zimmerman Brothers, co-partners, 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 Rice Transportation Company. All tariff of rates and time schedules to be identical with those as filed by applicant Rice Transportation Company.
- 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 applicants Zimmerman Brothers, co-partners, 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 30 day of
September, 1925.

He W. Brundage
P. C. Seavey
Leon A. Hill
COMMISSIONERS.