

Decision No. 15609

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
J. R. PROCTOR to sell, and C.L.FORTIER  
& SONS to purchase an automobile freight  
and express line operated between Fresno  
and Del Rey and Parlier, California, and  
for the consolidation thereof with the  
automobile freight line operated by the  
purchaser between Fresno and Reedley,  
California.

ORIGINAL

Application  
No. 11877.

BY THE COMMISSION -

OPINION and ORDER

J. R. Proctor has petitioned the Railroad Commission for authority to sell and transfer to C. L. Fortier & Sons, a co-partnership consisting of C. L., G. L., W. J., C. J. and C. E. Fortier, an operating right for the transportation of freight and express between Fresno, Del Rey and Parlier and intermediate points, and C. L. Fortier & Sons 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.

Applicants, C. L. Fortier & Sons, further petition that they be authorized to consolidate the right herein sought to be acquired with the operating right now held by C. L. Fortier & Sons authorizing an automobile freight transportation service between Fresno and Reedley, and to hereafter conduct their operations under said consolidated rights. The partnership consisting of C.L. Fortier and G. L., W. J. and C.J. Fortier also asks for authority to transfer to a partnership consisting of C. L., G. L., W.J., C.J. and C.E. Fortier, the operating right heretofore granted to C.L.Fortier & Sons by the Railroad

Commission in its Decision No.9492 issued on Application No.6670, which authorizes transportation of freight between Fresno and Reedley. The original partnership of C.L. Fortier & Sons consisted of the father, C. L. Fortier, and three sons. Recently a fourth son became of age and it is now desired to include him in the partnership.

The consideration to be paid for the property herein proposed to be transferred by Proctor to C. L. Fortier & Sons is given as \$5000, of which amount \$4000 is said to represent the value of certain equipment and \$1000 the value of the operating right and good will of the business of J. R. Proctor. No consideration is given in connection with the transfer to C. L. Fortier & Sons, the new partnership, of the operating right originally issued to C.L.Fortier & Sons, the old partnership.

The Proctor right, authorizing the operation of an automobile service for the transportation of freight and express between Fresno and Del Rey and Parlier and intermediate points was granted to J. R. Proctor by the Railroad Commission in its Decision No.5637, dated October 9, 1918, issued on Application No.4129. The Fortior right was granted to C.L.Fortier and his three sons, a co-partner - ship, by the Railroad Commission in its Decision No.9492, dated September 12, 1921, issued on Application No.6670.

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 Proctor shall immediately, in duplicate, withdraw tariff of rates and time schedules on file with the Railroad Commission covering service by certificate which is herein authorized to be transferred.

3- Applicant C.L. Fortier & Sons, (old partnership) shall immediately, in duplicate, withdraw tariff of rates and time schedules now on file with the Railroad Commission covering service given by C.L. Fortier & Sons under authority of Decision No. 9492, dated September 12, 1921, issued on Application No. 6670, which certificate is herein consolidated with the certificate herein authorized to be transferred by J. R. Proctor.

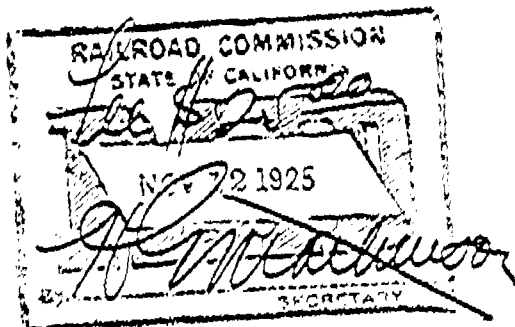
4- Applicant C. L. Fortier & Sons, a partnership, herein referred to as the new partnership, and consisting of C.L. Fortier and G.L., W.J., C.J. and C.E. Fortier, shall immediately file, in duplicate, in the name of the new partnership, or such fictitious name as it may elect to use, tariff of rates to be charged and time schedules proposed to be operated under said consolidated operating rights, said tariff and time schedules to be identical with the rates and time schedules now on file with the Commission under the names of Proctor Truck Line and C.L. Fortier & Sons, except as to such changes in rates and service as may be necessary to be made, with the approval of the Commission, to enable C.L. Fortier & Sons to file a more comprehensive tariff of rates to cover service given under the rights consolidated herein.

5- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

6- No vehicle may be operated by applicants C.L. Fortier & Sons unless such vehicle is owned by said applicants or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

7- This order shall not become effective until there has been paid to the Railroad Commission the minimum fee of \$25 required by the Public Utilities Act and the Auto Stage and Truck Transportation Act on evidences of indebtedness extending over a period of one year.

Dated at San Francisco, California, this 7<sup>th</sup> day of  
November, 1925.



*W. B. Brundage*  
*Chairman*  
*George D. Jones*  
*Commissioner*  
COMMISSIONERS.