

ORIGINAL

Decision No. 15969

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of.)
 M. F. AND F. V. SANCLEMENTE and)
 B. H. STEELE, co-partners, to sell, and) Application No. 12493
 H. M. HUTCHINSON to purchase an automo-)
 bile freight line operated between San)
 Diego and Tia Juana, California.)

BY THE COMMISSION -

OPINION and ORDER

M. F. and F.V. Sanclemente and B. H. Steele, co-partners, have petitioned the Railroad Commission for authority to sell and transfer to H. M. Hutchinson an operating right for an automobile service for the transportation of freight between San Diego and Tia Juana, and H. M. Hutchinson has 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 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 \$20,000, of which sum \$15,000 is said to represent the value of certain equipment, and \$5000 is named as the value of the operating right.

The operating right herein proposed to be transferred was granted to Applicants M.F. and F. V. Sanclemente and B.H. Steele by the Railroad Commission in Decision No. 5331, dated April 20, 1918, and Decision No. 5644, dated July 30, 1918, both issued on Application No. 3682.

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- Applicants M.F. and F.V. Sanclemente and B.H. Steele shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No. 51.

3- Applicant H.M. Hutchinson shall immediately file, in duplicate, tariff of rates and time schedules or adopt as his own the tariff of rates and time schedules for said service as heretofore filed by applicants M.F. and F.V. Sanclemente and B.H. Steele. All tariff of rates and time schedules to be identical with those as filed by applicants M.F. and F.V. Sanclemente, and B.H. Steele.

4- 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.

5- No vehicle may be operated by applicant H.M. Hutchinson 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 9th day of February, 1926.

H. H. B. [Signature]
C. Seaver
Ernest W. [Signature]
