

ORIGINAL

Decision No. 16254

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. E. FLETCHER to sell, and G. W. COBB)
 to purchase a one-half interest in)
 auto truck line operated between) Application No. 12588
 Fresno, Sanger, Centerville and inter-)
 mediate points.)

BY THE COMMISSION -

OPINION and ORDER

G. W. Cobb has petitioned the Railroad Commission for authority to purchase and acquire from J. E. Fletcher, the latter's half interest in an operating right for an automobile service for the transportation of freight between Fresno, Sanger and Centerville and intermediate points. Attached to the application is a bill of sale signed by Fletcher which is offered in lieu of his signature to the application, an expedient made necessary by Fletcher's absence from the state. His present whereabouts are not known.

It appears that the operating right involved herein was granted to Fletcher & Cobb, a partnership, by the Railroad Commission in its Decision No. 7075, dated January 5, 1920, and issued on Application No. 4206. Shortly after the establishment of the freight service, which has been operated under the name of Triangle Transfer Company, Fletcher retired from the firm and Cobb ever since, in view of the fact that he had purchased his partner's interest, has considered himself as sole owner, being entirely ignorant of the law's requirements in the matter of a transfer of an operating right. He did not obtain a bill of sale from Fletcher until September, 1925, and his demand for the document at that time was brought about by Fletcher's departure from the state. It was only recently that Cobb learned that he should have applied to the Railroad Commission for an order approving the purchase by him of his partner's interest, the instant application being the result of advice received from the Commission.

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We are of the opinion that this is a matter in which a public hearing is not necessary and that in view of all the circumstances 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 Cobb, for the partnership of Fletcher & Cobb, 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 Cobb, as an individual, shall immediately file, in duplicate, tariff of rates and time schedules covering service heretofore given by the partnership, which rates and time schedules shall be satisfactory in form and substance to the Railroad Commission.
- 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 Cobb, as an individual, 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 19th day of March, 1926.

H. B. Brundage
C. S. Seavey
E. M. Wright

 COMMISSIONERS.