

LEX

Decision No. 16680.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOSEPH BARRERE)
 to sell and transfer to Joseph Barrere,)
 Inc., a corporation, a certain opera-)
 tive right and property, and of Joseph)
 Barrere Inc., a corporation, to issue)
 stock in payment therefor.)

Application No. 12759

Harry A. Encell and James A. Millor,
 by Harry A. Encell, for applicant.

BY THE COMMISSION:

O P I N I O N

Joseph Barrere asks permission to transfer the operative rights and properties to which reference will hereafter be made to Joseph Barrere Inc., a corporation. Joseph Barrere Inc. asks permission to acquire such operative rights and properties and to issue 19,998 shares (par value \$19,998.) of common capital stock in payment therefor. The corporation further asks permission to issue one additional share of stock of the par value of \$1.00 to Dorothy Barrere and one share to M. D. Savage, to qualify them as directors of the corporation.

By Decision No. 16330 dated March 30, 1926 in Application No. 11147 the Railroad Commission declared that public convenience and necessity require the operation by Joseph Barrere of an automotive truck line as a common carrier of milk and cream between San Francisco, Oakland and Berkeley, on the one hand, and Crow's Landing, Newman, Gustine and Los Banos on the other hand, the proposed service to be an extension of the present operative rights of the applicant, between San Francisco, Oakland, Berkeley and Manteca and Tracy and intermediate points. The operative rights referred to

in Decision No. 16330 were granted by Decision No. 8966 dated May 12, 1921 in Application No. 6487 and by Decision No. 10623 dated June 23, 1922 in Application No. 7756.

The equipment which Joseph Barrere intends to transfer to Joseph Barrere Inc. consists of the following:-

One 3-1/2 ton G.M.C. Truck, 1922	\$2,000.
Two 2-1/2 ton Pageol trucks, 1922	4,000.
One 3-1/2 ton Pageol truck, 1923	3,000.
Two 2-1/2 ton Kleiber trucks, 1925	7,000.
One Ford truck	500.
One 3-ton Economy trailer	500.
One 2-ton trailer and tools	<u>500.</u>
Total	<u>\$17,500.</u>

The testimony shows that the equipment is all in good operating condition. The record further shows that Joseph Barrere incurred additional expense in acquiring the several operative rights and that the corporation incurred certain expense for organization purposes. The expenditures actually reported total \$443.85.

In our opinion Joseph Barrere Inc. should be authorized to issue not exceeding \$18,000. of stock to acquire the operative rights and properties of Joseph Barrere, referred to in this application.

ORDER

Joseph Barrere having applied to the Railroad Commission for permission to transfer operative rights, equipment and property to Joseph Barrere Inc., a corporation, and Joseph Barrere Inc., a corporation, having applied to the Railroad Commission for permission to purchase such operative rights, equipment and property and issue in payment therefor such an amount of stock as the Commission may authorize, a public hearing having been held before Examiner Fankhauser and the Railroad Commission being of the opinion that this application should be granted as herein provided, and that

Joseph Barrere Inc., a corporation, should be permitted to issue not exceeding \$18,000. par value of stock in payment for the operative rights, equipment and property, referred to in this application, two dollars par value of stock to directors, and that the issue of such stock is reasonably required for the purpose specified herein.

IT IS HEREBY ORDERED that Joseph Barrere be, and he is hereby, authorized to transfer to Joseph Barrere Inc., a corporation, the operative right granted by Decision No. 16330 dated March 30, 1926 in Application No. 11147, the operative right granted by Decision No. 10623 dated June 23, 1922, in Application No. 7756 and the operative right granted by Decision No. 8966 dated May'12, 1921, in Application No. 6487, together with the auto truck equipment and properties described in this application.

IT IS HEREBY FURTHER ORDERED that Joseph Barrere Inc., a corporation, be, and it is hereby, authorized to acquire the aforesaid operative rights, equipment and properties and issue in payment therefor not exceeding 18,000 shares (par value \$18,000.) of its common capital stock and issue and sell at not less than par, two shares (par value, two dollars) of its common capital stock to its directors and use the proceeds for working capital.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following conditions:-

1. Joseph Barrere shall cancel immediately all time schedules, rates, tariffs, and classifications now on file with the Railroad Commission, in accordance with General Order No. 51 of the Railroad Commission.
2. Joseph Barrere Inc., a corporation, shall file in duplicate, within ten days from the date of this order, all time schedules, rates, tariffs and classifications, such rates, tariffs and classi-

fications to be identical with those heretofore filed by Joseph Barrere, or rates and time schedules satisfactory in form and substance to the Railroad Commission.

3. The rights and privileges herein authorized to be transferred shall not be assigned, sold, leased, transferred or hypothecated or discontinued unless the written consent of the Railroad Commission is first obtained.
4. No vehicles may be operated by Joseph Barrere Inc., a corporation, unless such vehicles are owned by it or are leased by it on a basis satisfactory to the Commission.
5. The amount of stock Joseph Barrere Inc., a corporation, is herein authorized to issue shall not hereafter be urged before this Commission or other public body having jurisdiction as a measure of the value of the properties herein authorized to be transferred for any purpose except the issue of the stock authorized herein.
6. Joseph Barrere shall file with the Railroad Commission within two months from the date he transfers his operative rights, property and equipment to Joseph Barrere Inc., a corporation, financial statements covering his operation from the first of the year to the date of the transfer, such statement to be prepared and submitted on the regular annual report forms prescribed and furnished by the Commission.
7. Joseph Barrere Inc., a corporation, shall keep such record of the issue of the stock herein authorized as will enable it to file on or before the 25th day of each month a verified report, as required by the Railroad

Commission's General Order No. 24, which order insofar as applicable, is made a part of this order.

8. The authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 10th day of May, 1926.

H. H. Rosendick

Chas. ...

Leon ...

Commissioners.