

Decision No. 17087

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
J. I. KIMBRIEL to sell, and )  
A. C. COOLBAUGH to purchase a freight ) Application  
line operated between Bakersfield- ) No. 12984  
Shafter-Wasco, California. )

BY THE COMMISSION -

OPINION and ORDER

J. I. Kimbriel has petitioned the Railroad Commission for an order approving the sale and transfer by him to A. C. Coolbaugh of an operating right for an automobile service for the transportation of freight between Bakersfield and Wasco, and A. C. Coolbaugh has applied for authority to purchase and acquire said operating right and to hereafter operate thereunder, said 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 \$3000, of which sum \$783 is named as the value of certain equipment and \$2217 the value of the operating right.

The operating right herein proposed to be transferred was originally granted to Mrs. F. C. Williams by the Railroad Commission in its Decision No. 9921, dated December 23, 1921, and issued on Application No. 7258. The Commission, in that decision, authorized Mrs. Williams to operate a motor truck service for the transportation of freight between Bakersfield and Shafter, subject, however, to the following condition:

Meat, bread, milk and eggs may be carried without limit as to weight, but other freight hereby authorized to be carried must equal or exceed 40 pounds in weight for each piece of freight to be transported.

In Decision No.11292, dated November 29, 1922, and issued on Application No.8024, the Commission authorized Mrs. Williams to extend her service to Wasco, the same weight limitation provided in the Bakersfield-Shafter service to prevail in the new territory. Mrs. Williams, with the approval of the Railroad Commission, as shown in its Decision No.14432, dated January 5, 1925, and issued on Application No.10695, transferred her operating rights to J. I. Kimbriel, one of the applicants herein.

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 Kimbriel 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 Coolbaugh shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicant Kimbriel, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of applicant Kimbriel, or rates and schedules 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 Coolbaugh 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 3d day of July, 1926.

H. B. Rundberg  
C. C. C. C.

Leon A. White  
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