

Decision No. 17 214.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
W. I. MILLER to sell and P. E. TIBBETTS
to purchase auto truck line operated
between Los Angeles and poultry ranches
in the vicinity of San Jacinto, Hemet,
Winchester, Ethanac, Perris and Tumbach
Ranch on Box Springs Grade, also West
Riverside.

ORIGINAL

Application No. 13062.

BY THE COMMISSION -

OPINION AND ORDER.

W. I. Miller has petitioned the Railroad Commission for an order approving the sale and transfer by him to P. E. Tibbetts of an operating right for an automobile service for the transportation of property from San Jacinto, Hemet and other points to Los Angeles and to certain points from Los Angeles, and P. E. Tibbetts 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 \$1475, plus \$1200, to be paid by Tibbetts, on an equipment contract. No value is claimed for the operating right.

The operating right herein proposed to be transferred was granted to Miller by the Railroad Commission in Decision No. 16136, dated March 11, 1926, and issued on Application No. 11365. It authorizes Miller to transport

**eggs from San Jacinto, Hemet, Winchester, Ethanac, Perris, West Riverside, on the one hand, and Los Angeles, on the other hand;

and *** poultry feed and poultry supplies from Los Angeles, on the one hand, to West Riverside, Ferris, Ethanac, Winchester, Hemet and San Jacinto, on the other hand; PROVIDED such commodities are destined and consigned only to any ranch or ranches from which eggs have been theretofore transported by applicant.

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:

A - The authority herein granted shall not be construed as in any way authorizing applicant Tibbetts to link up or join the operating right herein authorized to be transferred with the rights of the W. & S. Truck Company.

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 W. I. Miller 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 Tibbetts shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by W. I. Miller, 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 W. I. Miller, 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 Tibbetts 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 13th day
of August, 1926.

H. B. Brundige

W. H. H. H. H.

Leon Whitell

Thos. Shattuck

COMMISSIONERS.