

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
J. B. and O. B. GRIFFITHS and  
H. E. SCHURICHT and F. E. RUEWELER  
for an order granting permission to  
cancel lease and H. E. SCHURICHT  
and F. E. RUEWELER to sell and  
transfer, and RALPH BAETZ to purchase  
operating right for auto truck line  
between Los Angeles, Alhambra, San  
Gabriel and intermediate points.

ORIGINAL

Application No. 13152

BY THE COMMISSION -

OPINION and ORDER

J. B. and O. B. Griffiths and H. E. Schuricht and F. E. Rueweler have petitioned the Railroad Commission for an order canceling the lease of an operating right under which J. B. Griffiths and O. B. Griffiths have been operating an automobile trucking service between Los Angeles and Alhambra and San Gabriel, which lease was approved by the Railroad Commission in its Decision No. 13941, dated August 20, 1924, and issued on Application No. 10370, and H. E. Schuricht and F. E. Rueweler have also petitioned for an order of the Commission authorizing them to sell and transfer to Ralph Baetz said operating right. Baetz 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 \$1900. No equipment is involved.

The operating right herein proposed to be transferred was established by Frank Powell by reason of operation prior to May 1, 1917. Upon his death his widow, Viola Powell, continued the service, obtaining authority to do so from the Railroad Commission, as shown by Decision No. 10231, dated March 27, 1922,

and issued on Application No.7680 . On January 9, 1924, as shown by Decision No.13002, issued on Application No.9592, she transferred the operating right to H. E. Schuricht and F. E. Rueweler, co-partners.

The lease to Griffiths and Griffiths was to run for five years from the date of the Commission's order approving the transaction. It contained an option to purchase which, apparently, Griffiths & Griffiths do not intend to exercise, the agreement in the instant proceeding showing that applicant Baetz has agreed to pay them \$550 for the surrender of the lease and option.

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- That this order shall not become effective until there shall have been paid to the Railroad Commission the fee required under Section 57 of the Public Utilities Act and Section 6 of the Auto Stage and Truck Transportation Act on all evidences of indebtedness extending over twelve months, in this instance the minimum fee of \$25.00.

2- 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.

3- Applicants J. B. and F. O. Griffiths 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.

4- Applicant Ralph Baetz shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicants Griffiths & Griffiths, 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 applicants Griffiths and Griffiths, or rates and schedules satisfactory in form and substance to the Railroad Commission.

5- 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.

6- No vehicle may be operated by applicant Ralph Baetz unless such vehicle is owned by said applicant, or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 21<sup>st</sup> day of September, 1926.

H. H. Burdette  
C. Seaver  
Frank Nichols  
Leon Whitell  
Thornton  
COMMISSIONERS.

