

Decision No. 17369

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
E. E. MILLER to sell and A. E. MALLETT  
and GENE ANTICHI to purchase an automo- ) Application  
bile freight line operated between ) No.13172  
Sacramento and Galt, California. )

BY THE COMMISSION -

OPINION and ORDER

E. E. Miller has petitioned the Railroad Commission for an order approving the sale and transfer by him to A. E. Mallett and Gene Antichi, co-partners, of operating rights for an automobile service for the transportation of freight between Sacramento, Florin and Elk Grove and between Sacramento and Galt and intermediate points, and A. E. Mallett and Gene Antichi, co-partners, have applied for authority to purchase and acquire said operating rights 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 \$3600.

The operating rights herein proposed to be transferred were acquired by E.E.Miller by purchase from Arthur E. Palmer, the Railroad Commission approving the sale and transfer in its Decision No.11797, dated March 16, 1923, and issued on Application No.8771.

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- This order shall not be construed by Mallett and Antichi as authority for them to link up or merge the operating rights herein transferred with operating rights heretofore granted to them by the Railroad Commission.
- B- 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.
- C- Applicant E.E. 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.
- D- Applicants A. E. Mallett and Gene Antichi, co-partners, shall immediately file, in duplicate, in their own names, tariff of rates and time schedules covering service heretofore given by applicant 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 Miller or rates and schedules satisfactory in form and substance to the Railroad Commission.
- E- 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.
- F- No vehicle may be operated by applicants Mallett and Antichi unless such vehicle is owned by said applicants, or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 24<sup>th</sup> day of September,

1926.

H. B. Pennington

C. C. Shann

Ernest J. East

Leon A. Whitell

Thos. S. Rountree

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COMMISSIONERS.