

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
MARENGO BROTHERS to sell, and)
RAYMOND E. PENHALL to purchase an) Application
automobile freight line operated) No.13311
between Cudahy, Workman and the)
County Farms and Los Angeles, California.)

BY THE COMMISSION -

OPINION and ORDER

Mario and Peter Marengo, brothers and co-partners, have petitioned the Railroad Commission for an order authorizing the sale and transfer by them to Raymond E. Penhall of an operating right for the transportation of property, namely, milk and dairy supplies, between ranches located in the vicinity of Cudahy and certain other points and Los Angeles, and Raymond E. Penhall has asked 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 of sale which is marked Exhibit A, 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 \$5500. Of this sum \$3700 is named as the value of certain equipment and \$1800 is declared by applicants to be the value of intangibles.

The operating right herein proposed to be transferred was granted to Mario and Peter Marengo, co-partners, by the Railroad Commission in its Decision No.15413, dated September 19, 1925, and issued on Application No.11223. The operating right authorizes an automobile service for the transportation of

*****milk and dairy supplies between dairy ranches located in the vicinity of Cudahy, Workman and County Farm, and on College Avenue and Stewart and Gray Roads and vicinity, west of Downey, and Los Angeles and intermediate points, over and along the following route:

From Los Angeles via Long Beach Boulevard to Tweedy Road; east on Tweedy Road to Cudahy; south on Cudahy Avenue to Workman; southeast on Workman Road to County Farm; north on College Avenue to Stewart and Gray Road near Downey; west on Stewart and Gray Road to Cudahy; thence west on Tweedy Boulevard to Long Beach Boulevard and north to Los Angeles. Dairy ranches served are located within one (1) mile of main roads traveled, except that no milk is picked up EAST of College Avenue, north of Curtain Road.

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- Applicants Mario and Peter Marengo 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 Raymond H. Penhall shall immediately file, in duplicate, in his own name, tariff of rates and time schedules covering service heretofore given by applicants Marengo Brothers, 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 Marengo Brothers 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 Raymond E. Penhall 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 29th day of November, 1926.

W. B. Rindge

Chas. E. ...

Edward ...

Leon ...

Thos. ...

COMMISSIONERS.