

Decision No. 17807

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 H. G. RAY to sell, and FRANK MUNOZ,  
 A. TORRESCANO and C. LAGASPEY, a co-  
 partnership, doing business as  
 Ray Transfer Company, to purchase an  
 automobile freight line operated between  
 San Diego and Tia Juana, California and  
 intermediate points.

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 )  
 ) Application  
 ) No. 13398  
 )

**ORIGINAL**

BY THE COMMISSION -

OPINION and ORDER

H. G. Ray has petitioned the Railroad Commission for an order approving the sale and transfer by him to Frank Munoz, A. Torrescano and C. Lagaspey, co-partners, of an operating right for an automobile service for the transportation of freight between San Diego and Tia Juana, California, and Frank Munoz, A. Torrescano and C. Lagaspey, co-partners, have 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 \$19,000, of which sum \$18,000 is said to be the value of real estate, and equipment. Applicants declare that \$1000 represents the value of intangibles.

The operating right herein proposed to be transferred was established by applicant Ray through operation on and prior to May 1, 1917, and subsequent to that date as indicated by tariffs filed with the Railroad Commission. The tariffs show service between San Diego and Tia Juana, California, and the intermediate points of Chula Vista, Palm City, Nestor and San Ysidro.

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 H. G. Ray 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.

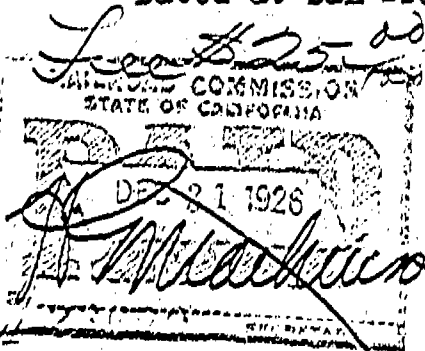
3- Applicants Frank Munoz, A. Torrescano and C. Lagasphy, co-partners, shall immediately file, in duplicate, in their own names tariff of rates and time schedules covering service heretofore given by applicant H.G. Ray, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of applicant H.G. Ray, 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 applicants Munoz, Torrescano and Lagasphy, a co-partnership, unless such vehicle is owned by said applicants, or is leased by the co-partnership under a contract or agreement on a basis satisfactory to the Railroad Commission.

6- In the event that Frank Munoz, A. Torrescano and C. Lagasphy elect to exercise the option contained in the agreement of sale, permitting them to pay for the property herein proposed to be transferred in monthly installments, the order herein shall not become effective until there has been paid to the Railroad Commission the fee required by the Public Utilities Act and the Auto Stage and Truck Transportation Act, on all evidences of indebtedness extending over a period of one year, in this instance the minimum fee of \$25.00.

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1926.



*John B. ...*  
*Cl. ...*  
*Frank ...*  
COMMISSIONERS.