

Decision No. 17859

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CARRIE HAPPE for an order of the)
 Railroad Commission of the State of)
 California approving the transfer to) Application
 her of all rights, title and interest) No.13450
 in auto truck transportation line,)
 including equipment now of record in)
 name of A.J.Happe.)

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Carrie Happe, widow of A. J. Happe, and executrix of his last will and testament, has petitioned the Railroad Commission for an order approving the transfer to her of an operating right for an automobile service for the transportation of freight, acquired by her husband through the issuance to him by the Railroad Commission of a certificate of public convenience and necessity authorizing service between the Yucaipa Valley territory and other points and Los Angeles and Los Angeles Harbor, said certificate being granted in Decision No.12422, dated July 31,1923, and issued on Application No.8989.

Attached to the application herein is a copy of an order of the Superior Court of the County of San Bernardino in the matter of the estate of A. J. Happe, which is an order settling the final account of the executrix in said matter and a decree of distribution of the whole of said estate of A. J. Happe, including said operating rights to said Carrie Happe. Said order is dated August 30,1926,

The Railroad Commission in its Decision No.12422 declares that public convenience and necessity require the operation by A. J. Happe of an automobile truck line as -

"a common carrier of the following commodities; honey in cases, citrus fruits, cherries, deciduous fruits, fertilizer, shock, packing house supplies, empty containers, between the following points only: Oak Glenn, Yucaipa and Beaumont to Redlands, San Bernardino, Riverside, Ontario, Pomona and Los Angeles; from the Redlands district, including East Highlands, Crafton and Bryn Mawr, to Los Angeles and Los Angeles Harbor (Wilmington and San Pedro); subject to the following conditions:

1. The certificate herein granted does not authorize the transportation between any points whatsoever of roofing materials or wall board, nor does it authorize the transportation of any commodity whatsoever to or from San Bernardino, with the exception of the transportation of deciduous fruits between the points hereinabove named, with return loads of shock, fertilizer or packing house supplies."

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 inheritance by Carrie Happe of the operating right granted by the Railroad Commission to A. J. Happe in its Decision No. 12422 be and the same hereby is authorized and approved, and

IT IS HEREBY FURTHER ORDERED that -

1. Applicant Carrie Happe, as executrix of the last will and testament of A. J. Happe, 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.
2. Applicant Carrie Happe shall immediately file, in duplicate, in her own name, tariff of rates and time schedules covering service heretofore given by A. J. Happe, 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 A. J. Happe, or rates and schedules satisfactory in form and substance to the Railroad Commission.
3. 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.

4. No vehicle may be operated by applicant Carrie Happe unless such vehicle is owned by said applicant, or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that the appraised value of the personal property of said A. J. Happe given in said decree of distribution as \$17,000, said property being described as "A. J. Happe Transfer business consisting of franchise from State Railroad Commission, etc." 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.

Dated at San Francisco, California, this 11th day of January, 1927.

Ernest DeLoach
W. B. ...
C. ...
Leon ...

COMMISSIONERS.