

ORIGINAL

Decision No. 18070.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. O. ERNST to sell, and LOS ANGELES) Application
 and SAN PEDRO TRANSPORTATION COMPANY) No. 13560
 to purchase an automobile freight line)
 operated between Wilmington, San Pedro)
 and Los Angeles and Long Beach, California.)

BY THE COMMISSION -

OPINION and ORDER

John O. Ernst has petitioned the Railroad Commission for an order approving the sale and transfer by him to Los Angeles and San Pedro Transportation Company, (a corporation), of an operating right for an automobile service for the transportation of property between Los Angeles and Wilmington and San Pedro, and between Long Beach and Wilmington and San Pedro, and Los Angeles and San Pedro Transportation Company (a corporation), 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 \$1400, which sum, applicants declare, is the value of the equipment involved, no value being claimed for intangibles.

John O. Ernst originally obtained from the Railroad Commission (see Decision No. 2505, dated January 3, 1921, and issued on Application No. 6187), a certificate of public convenience and necessity to operate an automobile truck line as a common carrier of freight between Los Angeles and Long Beach, the order of the Commission providing that the authorization extended only

*****to the transportation of drugs and drug sundries and bicycles and motorcycles and accessories.

The order further provided that no authority was conveyed in the order

***** for the transportation of any merchandise between Los Angeles and intermediate points, the authorization hereby granted by this certificate being for through service only between the communities of Los Angeles and Long Beach.

On March 8, 1926, Ernst was authorized by the Commission (see Decision No.16085 issued on Application No.11819), to operate a similar service between Long Beach and Wilmington and San Pedro and between Los Angeles and Wilmington and San Pedro, said service to be performed as an extension of the service Ernst was originally authorized to establish.

According to the instant application Ernst does not intend to retire from the transportation business. He proposes to transfer to Los Angeles and San Pedro Transportation Company only the right to operate between Long Beach and Wilmington and San Pedro and Los Angeles and Wilmington and San Pedro, granted by the Commission in Decision No.16085. He proposes to continue the operation of his original specialized service between Los Angeles and Long Beach, serving no other points.

Applicant Los Angeles and San Pedro Transportation Company, which is now operating a general freight transportation service between Los Angeles and San Pedro, proposes to continue the operation performed by Ernst under authority of Decision No.16085, namely, the "transportation of drugs, drug sundries, bicycles and motorcycles and their accessories and supplies, and return of empty containers" in addition to the company's general freight service.

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 must be distinctly understood, however, that the authority herein granted does not in any way eliminate any of the restrictions contained in the orders heretofore issued by the Commission, authorizing the service performed by Ernst; nor does it in any way authorize Los Angeles and San Pedro Transportation Company to extend its general freight transportation operation to Long Beach or to give any other or 317

different service than that given by Ernst under authority of the certificate of public convenience and necessity herein authorized to be transferred.

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 John O. Ernst shall immediately unite with applicant Los Angeles and San Pedro Transportation Company in common supplement to the tariffs on file with the Commission, applicant Ernst, on the one hand, withdrawing tariffs covering service authorized by certificate herein authorized to be transferred, and applicant Los Angeles and San Pedro Transportation Company, on the other hand, accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Ernst shall immediately withdraw time schedules filed in his name with the Railroad Commission under authority of certificate herein authorized to be transferred, and applicant Los Angeles and San Pedro Transportation Company shall immediately file, in duplicate, in its own name, time schedules covering service heretofore given by applicant Ernst, which time schedules shall be satisfactory 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 Los Angeles and San Pedro Transportation Company unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 14th day of March, 1927.

Ernst Ernst
H. B. Burdick
Chase
Leon White
Thos. L. Smith
COMMISSIONERS.