

Decision No. 21037.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 H. M. HUTCHISON)
 to sell, and International Express,)
 Inc. to purchase, an automotive)
 freight line operated between)
 San Diego and Tia Juana, California,)
 under permit heretofore granted by) Application No. 15551
 the Railroad Commission by Decision)
 No. 15969, dated February 9, 1926.)

Henry J. Bischoff, for applicants.

BY THE COMMISSION:

OPINION AND ORDER

In this application, as amended at the hearing held before Examiner Fankhauser, the Railroad Commission is asked to make its orders authorizing H. M. Hutchison to transfer operative rights and properties for \$4,417.00, to International Express, Inc., and authorizing International Express, Inc. to issue its common capital stock in payment.

It appears that H. M. Hutchison is engaged in the business of transporting property by auto trucks between San Diego and Tia Juana, California. The operative rights under which he is conducting his business, and which he now proposes to transfer to International Express, Inc. were acquired by him by purchase from M. F. Sanclemente, F. V. Sanclemente and B. H. Steele, pursuant to authority granted by this Commission by Decision No. 15969, dated February 9, 1926, in Application No. 12493. The physical properties, also to be transferred, are described in Exhibit "A" attached to the petition

herein, and include eight trucks, one trailer and office equipment. The cost of the physical property is reported at \$11,594.00 and the estimated present value at \$4,417.00.

The application shows that on April 4, 1929, H. M. Hutchison entered into an agreement, a copy of which is filed herein as Exhibit "A", to transfer his operative rights and properties to International Express, Inc. in exchange for common stock in such amount as the Railroad Commission might authorize. It appears to the Commission that the issue of \$4,417.00 of stock is reasonably required by the purchaser for the purpose of acquiring such properties, and that the expenditure for such purpose is not in whole or in part reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED that H. M. Hutchison be, and he hereby is, authorized to transfer on or before June 30, 1929 to International Express, Inc. for \$4,417.00, his operative rights and properties referred to herein, and International Express, Inc. be, and it hereby is, authorized to acquire such operative rights and properties free of all liens and encumbrances, and to issue in payment therefor, not exceeding \$4,417.00 of its common capital stock.

The authority herein granted is subject to the following conditions;-

1. International Express, Inc. shall keep such record of the issue of the stock herein authorized as will enable it to file on or before thirty days thereafter, a verified report, as required by the Railroad Commission's General Order No. 24, which order, insofar as applicable, is made a part of this order.
2. The consideration to be paid for the properties herein authorized to be transferred shall never be urged before this Com-

mission or any other public body as a measure of value of such property for any purpose other than the transfer herein authorized.

3. H. M. Hutchison shall unite immediately with International Express, Inc. in common supplement to the tariffs on file with the Commission, H. M. Hutchison on the one hand withdrawing, and International Express, Inc. on the other hand accepting and establishing such tariffs and all effective supplements thereto.

4. H. M. Hutchison shall immediately withdraw the time schedule filed in his name with the Railroad Commission, and International Express, Inc. shall immediately file in duplicate in its own name, time schedules covering the service heretofore given by H. M. Hutchison, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of H. M. Hutchison, or time schedules satisfactory to the Railroad Commission.

5. The rights and privileges herein authorized to be transferred may not be sold, leased, transferred or assigned, or service thereunder discontinued unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has been secured.

6. No vehicle may be operated by International Express, Inc. unless such vehicle is owned by said company or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

7. The authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 2nd day of ~~April~~ ^{May} 1929.

Thos. J. Lott

Chas. J. Weaver

Edward J. [unclear]

W. J. [unclear]

Commissioners.