

Decision No. 22157.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ZUCKERMAN EROS.)
to sell and WEYL-ZUCKERMAN & CO. to)
purchase a freight boat line, known)
as the Merchants Transportation Co.,)
engaged in the transportation of)
property as a common carrier between)
Sacramento, Stockton, San Francisco,)
Oakland and intermediate points on)
the one hand and landings on the)
San Joaquin River below Strackers,)
Mokelumne River below New Hope, Old)
River, Middle River, Sacramento)
River and tributaries below Sacra-)
mento, California.)

ORIGINAL

Application No. 15917.

E. S. Nurenberg, for applicants.

BY THE COMMISSION:

OPINION AND ORDER

Zuckerman Eros., a co-partnership consisting of M., R. C., and E. C. Zuckerman, doing business under the firm name and style of Merchants Transportation Co., has applied to the Railroad Commission for permission to transfer to Weyl-Zuckerman & Company, a corporation, certain rights and properties used in the transportation of freight as a common carrier between San Francisco, Oakland, Sacramento, Stockton and intermediate points and landings on the San Joaquin River below Strackers, Mokelumne River below New Hope, Old River, Middle River, Sacramento River and tributaries below Sacramento.

Information on file with the Commission shows that Weyl-Zuckerman & Company, a corporation organized on or about

September 13, 1907 under the laws of the State of California, operated vessels upon the inland waters of the State of California under its Local Freight Tariff No. 4, C.R.C. No. 4, effective November 30, 1923 under the name of Merchants Transportation Company during the years 1923 to 1926 inclusive; that during the period from 1927 to January 1, 1929, operations were conducted by Zuckerman Bros., a co-partnership; and that on January 1, 1929, the partnership of Zuckerman Bros., owners of the Merchants Transportation Company, was absorbed by Weyl-Zuckerman & Company, a corporation.

The parties did not secure the approval of the Railroad Commission for the transfer made on January 1, 1929. They have now, however, in this proceeding made such request and ask the Commission to make an order permitting the transfer of the operative rights and properties. The consideration for such transfer, as set forth in the application, is the sum of \$12,483.93, which is said to represent the net book figures of the properties as they existed on January 1, 1929. On this point it might be stated that the annual report filed by Zuckerman Bros. for the year ending December 31, 1928 shows assets and liabilities at the close of the year as follows:

ASSETS

Property and equipment.	\$10,981.16
Accounts receivable	2,531.71
Prepayments	<u>372.42</u>
Total Assets	<u>\$13,885.29</u>

LIABILITIES

Accounts payable.	\$ 216.65
Accruals.	259.59
Reserve for accrued depreciation.	915.12
Proprietors account	<u>12,483.93</u>
Total Liabilities.	<u>\$13,885.29</u>

The record shows that Weyl-Zuckerman & Company in acquiring the rights and properties comprising the Merchants

Transportation Company did not issue any stock, notes or other evidence of indebtedness, the payment being made through an adjustment of indebtedness due it from Zuckerman Bros.

The testimony herein shows that Weyl-Zuckerman & Company is engaged in the business of growing and shipping farm products and that the business conducted by the Merchants Transportation Company comprises but a very small portion of its total operations. It appears to us though that in taking over the common carrier business and properties referred to herein, Weyl-Zuckerman & Company becomes a public utility, as defined in the Public Utilities Act, and, as such, hereafter is to be considered under the jurisdiction of this Commission, so far as the rates and service of its boat line are concerned and the issue of its stock and other securities. It appears that the corporation will continue the transportation service under the same rates, rules and regulations as shown in the Merchants Transportation Company's Local Freight Tariff No. 4, C.R.C. No. 4, effective November 30, 1923, now on file with the Commission and in effect.

A public hearing in this matter was held before Examiner Geary. Upon consideration of all the facts of record, we are of the opinion that this application should be granted as herein provided, therefore

IT IS HEREBY ORDERED that Zuckerman Bros., a co-partnership consisting of M. R. C., and E. C. Zuckerman, be, and it hereby is, authorized to transfer to Weyl-Zuckerman & Company, a corporation, the operative rights and properties referred to herein comprising the Merchants Transportation Company.

The authority herein granted is subject to the following conditions:

- (1) Zuckerman Bros., a copartnership, shall immediately unite with Weyl-Zuckerman & Company, a corporation,

in common supplement to the tariff on file with the Commission, Zuckerman Bros. on the one hand withdrawing, and Weyl-Zuckerman & Company on the other hand accepting and establishing such tariff and all effective supplements thereto.

(2) The rights and privileges herein authorized to be transferred may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to the sale, lease, transfer or discontinuance has first been secured.

(5) The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this 25th day
of February, 1930.

Cl. Shaver
Edward
Leon
John
W. A. Linn
Commissioners.