

Decision No. 10139

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
A. W. BURNHAM to sell and JOSEPH
BARRERE to purchase an automobile
truck line operated as a common car-
rier of milk and cream between
Manteca, Oakland and Berkeley.

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:
) Application No. 7537
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)

BY THE COMMISSION.

ORDER

In this proceeding A. W. Burnham has filed a joint ap-
plication with Joseph Barrere in which applicant Burnham applies
for an order authorizing him to sell and applicant Barrere for an
order authorizing him to purchase and operate an automobile truck
line operated as a common carrier of milk and cream between
Manteca and Berkeley, serving Lathrop, Tracy, Pleasanton and Oak-
land.

The operative right herein proposed to be transferred
was obtained by A. W. Burnham under Decision No. 8966 in Applica-
tion No. 6487 dated May 12th, 1921 and authorizes operation between
points as above specified. This authorization, however, to be con-
fined solely to the transportation of milk and cream and in no way
authorizes the carriage of any other commodities between the points
served.

In addition to the operative right proposed to be transfer-
red, it is also proposed to transfer one 2½-ton Nash truck one 3½-ton
Selden truck and one 2-ton Utility Trailer. This equipment is
valued at the sum of \$8,000.00, which is the total consideration to
be paid for such property, applicants stating in their petition that
there is no value whatever placed on the franchise or operative right.

In view of the foregoing statement contained in this application, we are of the belief 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. That applicant Joseph Barrere shall file his written acceptance of the franchise herein authorized to be transferred, such written acceptance to contain a statement to the effect that applicant Joseph Barrere agrees to operate this line strictly in conformity with the conditions laid down in Decision No. 8966 granting an operative right to A. W. Burnham.

2. That 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 purposes other than the transfer herein authorized.

3. That applicant A. W. Burnham shall immediately cancel all tariff of rates and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

4. That applicant Joseph Barrere shall immediately file, in duplicate, tariff of rates and time schedules, in his own name, or adopt as his own the tariff of rates and time schedules heretofore filed with the Railroad Commission by applicant Burnham, all rates and time schedules to be identical with those filed by applicant Burnham.

5. That the rights and privileges herein authorized to be transferred may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

6. That no vehicle may be operated by applicant Barrere unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 27th day of February, 1922.

H. B. ...
A. D. ...
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...
Commissioners