

Decision No. 10357

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 A. HARUDNIAN for an order granting
 permission to transfer and assign
 all his right, title and interest in
 an auto truck milk route operated be-
 tween Los Angeles and dairy ranches
 located in the vicinity of Downey,
 Bellflower and Clearwater, including
 equipment thereof, and for permission
 to discontinue his service;

Application No. 7578

AND
 Application of K. OGANESOFF and T.
 OSKANOFF as co-partners for an order
 granting permission to purchase and
 acquire the whole of the above des-
 cribed auto truck line, and to oper-
 ate same thereafter.

Frank R. Carrell, for applicants Oganessoff and Oskanoff
 M.G. Ferrahian, for applicant Harudnian

BY THE COMMISSION:

O P I N I O N

Applicants herein seek approval of the transfer
 of the operating right of A. Harudnian, as granted him by
 Decision No. 9234 of this Commission, to K. Oganessoff and T.
 Oskanoff, co-partners. The operating right involved is the
 auto truck milk carrying from ranches in the vicinity of
 Clearwater, Downey and Bellflower, in Los Angeles County, and
 was originally held by E.W. Murphy.

It appears that Oganessoff and Oskanoff claimed to
 be partners of Harudnian and that this partnership included

the business of the milk hauling, though the two other partners were not named in the records of the Commission. The relationship of the partners led to litigation between them in the Superior Court of Los Angeles County over an accounting but before trial a settlement was reached, whereby Harudnian agreed to relinquish all his interest in the operating right to his partners, and their suit was dismissed.

On February 4, 1922, Harudnian received \$400.00 in cash and a note for \$300.00 from his partners and turned over to them the equipment and operation of the service. This transaction was without the sanction of the Commission and was irregular, but was done in ignorance and as the service suffered no interruption it did no harm.

Applicants now wish to have the transaction validated by the Commission. The equipment is a two-and-one-half ton truck valued at \$5000.00 and the value of the operating right is fixed at \$500.00, which was the consideration paid by Harudnian to Murphy. Title to the right and the equipment is vested in applicants Oganessoff and Oskanoff and Harudnian asks permission to discontinue operation.

There seems to be no reason why the transfer should not now be approved as the public concern in continued operation and efficient service seems not to have suffered.

ORDER

IT IS HEREBY ORDERED that the above entitled application, be, and the same hereby is granted, subject to the following conditions:

- I - That the amount paid for the purchase of the property shall not be considered as a measure of value of said property before this Commission, or any other authority, for rate fixing or any purpose other than the transfer herein referred to.
- II - That the applicant, A. Harudnian, will be required to immediately cancel all tariffs 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.
- III- That applicants, K. Oganessoff and T. Oskanoff, co-partners, will be required to immediately file tariffs and time schedules in their own name, or to adopt as their own, the tariffs and time schedule as heretofore filed with the Railroad Commission by applicant A. Harudnian, all fares to be identical with those filed by applicant A. Harudnian.
- IV - The rights and privileges of transfer which are hereby authorized, may not again 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.
- V - No vehicle may be operated by applicants, K. Oganessoff and T. Oskanoff, co-partners, unless such vehicle is owned by them or is leased by them for a specified amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation Company.

Dated at San Francisco, California, this 25th
 day of April, 1922.

W. M. Bunnage
Ernest M. Martin
Charles H. Powell
T. A. Benedict
 Commissioners.