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Decision No. 10592

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application)
of FRANK A. MULLENS to sell, and)
C. A. CHAMBERS to purchase, a)
one-half interest in an automo-)
bile freight line operated between)
Burbank and Los Angeles, California.)

Application No. 7825.

Frank A. Mullens, and C. A. Chambers in
propria persona.
Harry N. Blair for Glendale & Los Angeles
Transportation Company.

BY THE COMMISSION,

O P I N I O N

A public hearing was held by Examiner Westover at Los Angeles upon the above entitled application for authority to transfer an undivided half interest in an automotive freight service operated under the fictitious name of Burbank Transfer Company, between Los Angeles and Burbank, serving Glendale as an intermediate point.

It appears from the testimony that owing to the growth of business, Mr. Mullens needs additional equipment, and has arranged with Mr. Chambers to put in his Moreland Truck, to be used by the partnership to be organized between them. In the transaction Mr. Chambers acquires a half interest in a Ford Truck previously in service, which has been turned in as part of the purchase price on a second G.M.C. Truck which is to be owned and paid for by the new partnership, so that the partnership equipment will consist of one Moreland Truck and two G.M.C. Trucks. In the agreement for the

purchase of the half interest in the equipment and operative rights the purchase price is stated as \$2,500.00. It appears from the testimony that no part of this valuation represents operative rights, and both applicants appear, from the testimony, to thoroughly understand that the Commission will not allow as part of the rate base in a rate proceeding more than the actual cost of originally acquiring such operative rights.

The interest of Glendale and Los Angeles Transportation Company is due to its allegation that Mr. Mullens has no operative rights in Glendale, but merely passes through a portion of Glendale along San Fernando Road en route to and from Burbank. While such a question is not germane to a decision as to whether an interest in the line should be permitted to be transferred, it may be said incidentally that the Commission's records show that authority to operate the line was originally granted to C. A. Chambers by Decision No. 7491 on April 26th, 1921, upon Application No. 4499. Tariffs filed in pursuance of that authority quoted rates to Glendale and show the free delivery zone in Glendale, and those of Mr. Mullens, who acquired the line by Decision No. 8698 of March 4, 1921, upon Application No. 6591, also show service to and from Glendale, and pick-up and delivery zone, and the testimony shows continuous Glendale service.

O R D E R

A public hearing having been held upon the above entitled application, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that Frank A. Mullens, heretofore operating under the fictitious name of Burbank Transfer Company, be, and he is, hereby authorized and empowered to transfer to C. A. Chambers an undivided half interest in and to said automotive truck service operated between Los Angeles and Burbank, serving Glendale as an intermediate point, and in and to the

operative rights, equipment and property incidental thereto,
subject to the following conditions:

1. Nothing herein contained shall be construed as a finding by the Railroad Commission of the value of the property transferred.

2. Said transferor shall immediately cancel all tariffs and time schedules relating to said route on file with the Railroad Commission, and applicants Mullens and Chambers shall immediately file tariffs and time schedules in their own name identical with those relating to said route heretofore filed with the Railroad Commission, or adopt as their own, the said filings. Such filing, cancellation or adoption shall be in conformity with the provisions of General Order No. 51 and other regulations in the Railroad Commission, which, so far as applicable, are made a part hereof.

3. The rights and privileges hereby authorized to be transferred shall not again be sold, leased, transferred, or assigned, nor shall operation thereunder be discontinued without the previous written consent of the Railroad Commission.

4. No vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 16th day of
June, 1922.

H. B. Paradise
Iving Martin

J. F. Treadwell