

Decision No. 10732

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application
of E.L. BARLOW and J.L. OLDHAM, co-
partners, for an order granting per-
mission to sell and transfer a one-
third interest in auto truck trans-
portation line operated between Los
Angeles, Alhambra, San Gabriel, Ar-
cadia, and intermediate points to
C.E. OLDHAM,

and
Application of C.E. OLDHAM for an
order granting permission to pur-
chase a one-third interest in above
described line, and to operate same
thereafter in co-partnership with
E.L. BARLOW and J.L. OLDHAM.

ORIGINAL

Application No. 7794

E.L. Barlow, J.L. Oldham and C.E. Oldham,
Applicants, in propria persona.

BY THE COMMISSION:

O P I N I O N

Applicants herein ask approval by the Railroad
Commission of the transfer of a one-half interest in the
operating rights granted by Decision No. 6800, from E.L.
Barlow to C.E. Oldham. The operative rights are for the
operation of an auto truck transportation line between Los
Angeles, Alhambra, San Gabriel and Arcadia.

Public hearings were held by Examiner Williams
at Los Angeles.

Originally, Barlow and J.L. Oldham, equal partners,
sought to sell a one-third interest in this operating right

to C.E. Oldham, with the understanding that Barlow would receive a Moreland truck, valued at \$2,000.00 and \$833.34 in cash, and with the further arrangement that the business would be divided so that Barlow would operate his truck independently of the other equipment, receiving and keeping all the income from his hauling and keeping it as his individual property. The other partners were to operate in the same manner for themselves. There was to be no accounting between the separate operations.

When it was pointed out that this arrangement was not consistent with the legal regulations of the Commission, in that it was making two independent operations under one operating right, applicants asked permission to make a new arrangement by which the entity of operation would be preserved.

At the second hearing, applicants filed an amended application by which Barlow's half-interest was to be transferred as a whole to J.L. Oldham, Barlow retiring from the firm. He is to receive the Moreland truck and \$1,916.16 in cash for his interest in the other equipment and his share of the value of the operating right, fixed at \$1,000.00. Also J.L. Oldham asked authority to transfer his half-interest to C.E. Oldham in return for a new truck "and certain financial assistance".

Applicants admitted that friction between Barlow and J.L. Oldham was such that their partnership could not continue. By the transfers of interest asked in the amended petition, the Oldhams, father and son, are placed in a position to maintain good service and there appeared no reason why

the application, as amended, should not be granted.

O R D E R

IT IS HEREBY ORDERED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that the above entitled application be and the same is hereby granted, subject to the following conditions:

- I - 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 for rate fixing or any other purpose, excepting the transfer herein authorized.
- II - That the applicants E.L. Barlow and J.L. Oldham 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 the applicants J.L. Oldham and C.E. Oldham will be required to immediately file tariff and time schedules, in duplicate, in their own name, or to adopt as their own the tariffs and time schedules heretofore filed by E.L. Barlow and J.L. Oldham, all rates and time schedules to be identical with those filed by E.L. Barlow and J.L. Oldham.
- IV - 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.
- V - That no vehicle may be operated by the applicants J.L. Oldham and C.E. Oldham, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 20th
day of July, 1922.

H.T. Brundage
Erving Martin

[Signature]

Commissioners.