

Decision No. 10938.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
F. K. SAKAKI to sell and JOSEPH
FAUCI to purchase an automobile : Application No. 8199
freight line operated between San
Jose and Oakland and San Francisco,)
California.

BY THE COMMISSION.

ORDER

F. K. Sakaki and Joseph Fanci have filed a joint application with the Railroad Commission in which applicant Sakaki petitions for an order authorizing him to sell and applicant Fanci for an order authorizing him to purchase and operate a certain automobile truck line operated between San Jose, Oakland and San Francisco.

The operative right herein proposed to be transferred was originally obtained by applicant Sakaki under Decision No. 10311 in Application No. 7549, dated April 18th, 1922, and authorizes the operation of an automobile truck line as a common carrier of fruit and vegetables only from the following described territory in and adjacent to San Jose to Oakland via Niles and San Francisco via Redwood City:

Beginning at the intersection of First and Santa Clara Streets, in the City of San Jose; thence easterly along said Santa Clara Street, and a prolongation thereof, eight (8) miles; thence at right angles southerly fifteen (15) miles; thence at right angles westerly twelve (12) miles; thence at right angles northerly fifteen (15) miles; thence at right angles easterly four (4) miles to the point of beginning, excepting from said rectangle that portion thereof lying within a radius of two miles from the Southern Pacific station in Campbell; and also excepting therefrom service to and from the plant of the Herbert Packing Company about four miles south of San Jose.

The operative right is expressly limited to the transportation of fruit and vegetables only and the return to growers of empty containers, service to be performed between April 1st and November 1st of each year.

The consideration to be paid for the property herein proposed to be transferred is given as the amount of \$200.00, together with the assumption by the purchaser of several small bills owed by the seller.

We are of the opinion 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 Fauci shall immediately file his written acceptance of the certificate herein authorized to be transferred, such written acceptance to contain a statement to the effect that he understands the restrictions contained in said certificate and will operate strictly in accordance therewith.

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 purpose other than the transfer herein authorized.

3. That applicant F. K. Sakaki shall immediately cancel all tariff of rates and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with General Order No. 51 of the Railroad Commission.

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

5. That the rights and privileges herein authorized to be transferred shall 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 Fanci 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 2nd
day of September 1922.

H. B. Burdige
Erving Martin
Dean H. Fowles
W. H. Burdick
Commissioners