

Decision No. 10939

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
G. B. SANTOS to sell and J. E. GARCIA )  
to purchase an automobile freight : Application No. 8212  
line operated between East San Jose )  
and Oakland, California. )

BY THE COMMISSION,

ORDER

G. B. Santos and J. E. Garcia, co-partners, have filed a joint application with the Railroad Commission in which G. B. Santos petitions for an order authorizing him to sell and J. E. Garcia for an order authorizing him to purchase the one-half interest of Santos in the co-partnership.

The co-partnership now owns and operates an automobile truck line under certificate heretofore issued by the Railroad Commission, being Decision No. 10281 in Application No. 7613, dated April 5th, 1922. This decision authorizes the operation of an automobile truck line as a common carrier of fruit and produce only between East San Jose and Oakland, serving as intermediate points Warm Springs, Mission San Jose, Niles, Irvington, Centerville, Alvarado, Decoto, Mt. Eden, Hayward, San Leandro and Elmhurst. Such certificate expressly prohibits the transportation of any commodities other than fruit and vegetables, and also expressly prohibits operation during any part of the year except that period of time during which fruit and vegetables are produced in the above described territory.

Applicants give the sum of \$6,850.00 as the consideration to be paid for the property herein proposed to be transferred, all of which amount represents the actual value of the interest of G. B. Santos in the equipment owned by the co-partnership.

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 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.

2. That applicants G. B. Santos and J. E. Garcia, co-partners, 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 of the Railroad Commission.

3. That applicant J. E. Garcia shall immediately file, in duplicate, in his own name or adopt as his own the tariff of rates and time schedules heretofore filed by Santos and Garcia, co-partners, all tariff of rates and time schedules to be identical with those filed by Santos and Garcia, co-partners.

4. 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.

5. No vehicle shall be operated by applicant Garcia unless such vehicle is owned by said applicant or

is leased by such applicant 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. C. Brundage  
John Martin  
Charles H. Rogers  
J. J. Smith  
Commissioners