

Decision No. 11120

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of F.E. SMITH for an order grant-
ing permission to sell and trans-
fer all his right, title, and in-
terest, including equipment in auto
truck milk route operated between
Mission Acres and Los Angeles to
ELMER F. SCOTT, and application of
Elmer F. Scott to purchase same.

Application No. 8250

F.E. Smith, Applicant, in propria persona
Elmer F. Scott, Applicant, in propria persona.

BY THE COMMISSION:

O P I N I O N

F.E. Smith has applied to the Railroad Commission for consent to transfer the operating right and equipment for serving shippers of milk between Mission Acres and Los Angeles, to Elmer F. Scott, and Scott has joined in the application as purchaser.

A public hearing was held by Examiner Williams at Los Angeles.

The purchase price agreed to between applicants is \$5,500.00, of which, \$4,500.00 is for the equipment, consisting of a truck of late manufacture of two-and-one-half tons, and one two-ton trailer, and the remainder for the operating right.

Applicant Smith purchased the same equipment, with the addition of a small truck and the operating right, under authority of Decision No. 10248, for \$6,000.00. As the service now handles approximately 150 cans of milk daily, and the industry of dairying is growing within the territory served, the

transaction is not to the prejudice of shippers and should be approved. The purchaser had eighteen months' experience handling truck transportation in France during the great war and is financially able to maintain the service.

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 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 for rate fixing or any other purpose, excepting the transfer herein authorized.
- 2 - That the applicant F.E. Smith 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.
- 3 - That the applicant Elmer F. Scott will be required to immediately file tariff and time schedules, in duplicate, in his own name, or to adopt as his own the tariffs and time schedules heretofore filed by F.E. Smith, all rates and time schedules to be identical with those filed by F.E. Smith.
- 4 - 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.
- 5 - That no vehicle may be operated by the applicant Elmer F. Scott 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.

October
of *October*, 1922. Dated at San Francisco, California, this 18th day

James M. Smith
Elmer F. Scott
J. L. Smith