

ORIGINAL

Decision No. 6830

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
CHAS. H. HEMME and ELLIS BROWN and)
P. M. FOLLENSBEE for authorization)
of sale and transfer by Chas. H.) Application No. 5085.
Hemme to Ellis Brown and P. M. Foll-)
ensbee of franchise to haul freight.)

BY THE COMMISSION:

ORDER

Chas. H. Hemme, Ellis Brown and P. M. Follensbee have petitioned the Railroad Commission for an order authorizing the sale and transfer by Chas. H. Hemme to Ellis Brown and P. M. Follensbee of the rights and privileges heretofore held by said Chas. H. Hemme and covering the operation of an automobile truck line as a common carrier of freight between San Diego and El Centro and intermediate points.

The proposed transfer is to be made in accordance with an agreement or bill of sale attached to the application in this proceeding.

The operative rights, for which approval of transfer is requested, are those acquired by applicant, Chas. H. Hemme, by reason of the line having been in operation prior to May 1, 1917, the date recognized by the legislature at the time of the passage of Chapter 213, Laws of 1917, as that upon which operators were not required to secure a certificate of public convenience and necessity from the Railroad Commission nor permits from the governing bodies of the various political subdivisions

through which a route passed.

We are of the opinion that this is not a matter in which a public hearing is necessary and that the application should be granted.

IT IS HEREBY ORDERED that this application be and the same hereby is granted, subject to the following conditions:

1 - Applicant, Chas. H. Homme, is to immediately cancel in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission, all tariffs and time schedules now filed with the Railroad Commission.

2 - Applicants, Ellis Brown and P. M. Follensbee, are to file new tariffs and time schedules, or adopt as their own the tariffs and time schedules of Chas. H. Homme, rate schedules to cover the same rates heretofore in effect over the route, the transfer of which is hereby authorized.

3 - The rights and privileges, transfer of which are hereby authorized, may not ^{again} be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been procured.

4 - No vehicle may be operated under the authority of this transfer by applicants, Brown and Follensbee, unless such vehicle is owned by such 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 13th day of November, 1919.

Edwin C. Coyne
Frank W. DeWitt
H. T. Brundage

Commissioners.

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