

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J. T. SIMMONS for an order granting permission to sell and transfer all his right, title and interests, in an auto truck line operated by him between Los Angeles, Fullerton, Anaheim and Orange and intermediate points, to W. E. McGann and H. J. Morgan, co-partners, and for permission to discontinue his service.

and

Application of W. E. McGann and H. J. Morgan, co-partners, for an order granting permission to purchase said auto truck line and to operate same thereafter.

Application No. 5565

ORIGINAL

BY THE COMMISSION.

ORDER

J. T. Simmons, and W. E. McGann and H. J. Morgan, the last two are co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights for the conduct of an automobile truck service operating between Los Angeles, Fullerton, Anaheim and Orange and intermediate points, the applicant J. T. Simmons to sell, and the applicants McGann and Morgan, a co-partnership, desiring to purchase, acquire and hereafter operate said auto freight line.

The rights and privileges proposed to be transferred are those acquired by the applicant Simmons by virtue of his having operated in good faith prior to May 1, 1917, and has continuously ever since operated such line and has filed tariffs and schedules in accordance with the law.

The transfer of the rights and privileges is to be made in accordance with an agreement incorporated in the application in this proceeding.

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 this application be, and the same is hereby, granted, subject to the following conditions:

1. That the applicants Simmons, McGann and Morgan will within twenty days of the date of this order file with the Railroad Commission a written acceptance of this order subject to the conditions herein.
2. That the applicant J. T. Simmons will immediately cancel all tariffs and time schedules now on file with the Railroad Commission, such cancellation to be made in accordance with the provisions of General Order No. 51, and other regulations of the Railroad Commission.
3. The applicants McGann and Morgan, a co-partnership, will be required to immediately file tariffs and time schedules in their own name, or to adopt as their own the tariffs and schedules as heretofore filed by the applicant Simmons, all rates to be identical with those heretofore filed with the Railroad Commission by applicant Simmons and such tariffs or adoption of tariffs must be made in accordance with General Order No. 51 and other regulations of the Railroad Commission.
4. The rights and privileges, transfer of which are hereby authorized may not again be leased, transferred nor assigned unless the written consent of the Rail-

road Commission to such lease transfer or assignment has first been secured.

5. No vehicle may be operated by the applicants McGann and Morgan, a co-partnership, unless such vehicle is owned by them or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 21<sup>st</sup> day  
of April, 1920.

Edwin O. Ely

Frank R. Kelly

H. B. ...

Commissioners.