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Decision No. 7950

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
 WILFRED MUNTER and HARRY DECKER for)
 authority to transfer their operative :
 rights for handling freight by motor : Application No. 5913.
 truck between Davenport, Santa Cruz)
 and San Francisco to RALPH W. HOFFMAN :
 and FRANK PAOLINELLI.)

B. F. McKibben for Applicants.
 L. N. Bradshaw for Southern
 Pacific Co. Protestant.

BY THE COMMISSION.

ORDER

Wilfred Munter and Harry Decker, co-partners, and
 Ralph W. Hoffman and Frank Paolinelli, co-partners, have ap-
 plied to the Railroad Commission for an order approving the
 transfer of the operative rights of applicants Munter and
 Decker to applicants Hoffman and Paolinelli.

A public hearing on this application was conducted
 by Examiner Handford at San Francisco on July 24, 1920, the
 matter was duly submitted and is now ready for decision.

The operative rights proposed to be transferred are
 those granted applicants Wilfred Munter and Harry Decker by
 Decision No. 7448 on application 5403 as decided April 19,
 1920, an acceptance of such certificate having been made by
 applicants Munter and Decker and filed with the Railroad Commis-
 sion to be effective May 24, 1920. The operative rights are

proposed to be transferred for a cash consideration of \$500.00 as set forth in the application in this proceeding.

It appears from the testimony adduced at the hearing on this application that the applicants Munter and Decker have not continuously performed service over the route for which authorization was granted by Decision No. 7448 on application 5403 and that since July 5, 1920, there has been no operation by applicants Munter and Decker over the route herein sought to be transferred. Applicants Munter and Decker explained that their suspension of service was caused by operation over the same route conducted by an unauthorized carrier and that efforts had been made to stop such unlawful operation by complaint to the District Attorney of Santa Cruz County.

In view of the testimony in this case that the service was suspended and the operation of the line abandoned without authority therefor from the Railroad Commission, it is the opinion of the Commission that such unauthorized suspension of operation constitutes a relinquishment of any operative rights heretofore held by said applicants, Munter and Decker, and that the rights conferred by this Commission under its Decision 7448 on application 5403 are no longer effective and therefore no authorization can be given for the transfer of such rights to the applicants Hoffman and Paolinelli.

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 2^d day of August, 1920.

Elin A. Edgerton
F. D. ...
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Commissioners