

PE

Decision No. 8394

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
RALPH M. FOWLER, and MORRIS H.
FREDERICK, for permission for the
sale and purchase of the Ralph M.
Fowler Freight and Truck Service,
between Lincoln, Placer County, and
Sacramento, Sacramento County,
California.)

) Application No. 6296

BY THE COMMISSION.

ORDER

Ralph M. Fowler and Morris H. Frederick have petitioned the Railroad Commission for authority to transfer and sell certain operative rights and privileges for the conduct of an automobile freight service between Lincoln and Sacramento, the applicant, Ralph M. Fowler, desiring to sell and the applicant, Morris H. Frederick, desiring to purchase and hereafter operate said service.

The rights and privileges herein sought to be transferred are those acquired by applicant, Ralph M. Fowler, by reason of a certificate of public convenience and necessity having been granted by the Railroad Commission in its Decision No. 6530, Application No. 4580, decided July 30, 1919. The transfer of the rights and privileges are to be made in accordance with an agreement made a part of the application, setting forth \$325.00 as the amount to be paid for equipment consisting of office fixtures, supplies, trucking equipment tarpaulin covering for freight, etc., but does not include one Kleiber Truck, which

is to be retained by applicant, Ralph M. Fowler.

The Commission does not herein pass upon the values of the properties involved in this proceeding, nor may the purchase price be considered as a basis for rate making purposes.

The Commission is 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 DECLARED THAT the application be, and the same hereby is, granted, subject to the following conditions:

1. That the amount paid for the purchase of this property shall not be considered as a measure of value of said property before this Commission, or any other authority for rate fixing or any other purpose than the transfer herein referred to.
2. That applicant, Ralph M. Fowler, will be immediately required to cancel tariff of rates in accordance with provisions of General Order No. 51, and other regulations of the Railroad Commission.
3. That applicant, Morris H. Frederick, will be immediately required to file his tariff of rates or to adopt as his own the tariff heretofore filed by the applicant, Ralph M. Fowler, such rates to be identical with those now on file with the Railroad Commission by Ralph M. Fowler. Such tariff or adoption must be in accordance with Rule 13 of General Order No. 51 of the Railroad Commission.
4. That the rights and privileges, transfer of which are hereby authorized, must 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 may be operated by the applicant, Morris H. Frederick, unless such vehicle is owned by him or is leased by him for a specified amount of a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation company.

Dated at San Francisco, California, this 27th day
of November, 1920.

Edwin C. Egan
H. D. Lyland
Frank D. Dwyer
H. B. Roundig
Wesley Martin
Commissioners.