Decision No. 8534

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )
BERT A. HAMILTON and OSCAR L. DIMMICK :
to sell to C. BOLTON and T. J. BENNETTS )
that certain auto freight line operating between Fresno, County of Fresno )
and The Pines, County of Madera, California.

Application No. 6454.

BY THE COMMISSION:

## ORDER

Bert A. Hamilton and Oscar L. Dimmick, and C. Bolton and T. J. Bennetts, have under date of January 3, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights for the conduct of an automobile freight line as a common carrier of freight between Fresno and The Rines over route hereinafter described, the applicants, Bert A. Hamilton and Oscar L. Dimmick, desiring to sell; and the applicants, C. Bolton and T. J. Bennetts, desiring to purchase, acquire and hereafter operate said truck service.

The rights and privileges, proposed to be transferred, are those acquired by applicants, Bert A. Hamilton and Oscar L. Dimmick, by reason of certificate of transfer granted by the Railroad Commission in Decision No. 7281, Application No. 5188, rendered March 18, 1920.

Transfer of the rights and privileges is to be made in accordance with an agreement incorporated in the application in this proceeding which sets forth the sum of Fifty-Five Hundred (\$5,500.00) Dollars as the amount to be paid for equipment and operative rights.

The route and operative rights thereover, for which approval of transfer is sought, is as follows. From Fresno over the public road through the following towns and places; Oneals, Fine Gold, Adobs, North Fork, U.S.Government Station, Power House, Liccabe Camp and The Pines.

This application also seeks authority to extend the service to Indian Mission which cannot be considered in the transfer proceeding. A seperate application to cover proposed new service must be made.

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

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 HERREY ORDERED that the application be and the same hereby is, granted, subject to the following conditions:

- 1. That the amount paid for the purchase of the 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 other than the transfer herein referred to.
- 2. That the applicants, Bert A. Hamilton and Oscar L.

  Dimmick, will be required to immediately cancel all
  tariffs and time schedules now filed with the Railroad Commission. Such cancellation to be in accord-

- ance with the provisions of General Order No. 51, and other regulations of the Railroad Commission.
- The applicants C. Bolton and T. J. Bennetts will be required to immediately file tariffs and time schedules in their own name, or to adopt as their own the tariffs and time schedule as heretofore filed with the Railroad Commission by applicants, Bort A. Hamilton and Oscar L. Dimmick, all fares to be identical with those filed by applicants, Bort A. Hamilton and Oscar L. Dimmick.
- 4. The rights and privileges of transfer which are hereby authorized, may not again 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 applicants,

  C. Bolton and T. J. Bennetts unless such vehicle
  is owned by them or is leased by them for a specified amount on 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 // day, of January, 1921.

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