

Decision NO. 8711**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the Lake County Meat and Produce Company, Inc. for an order granting permission to sell all its right, title and interest in auto freight transportation line operating between Lower Lake and Calistoga, to C. F. Frederickson & Sons.

Application No. 6596.

BY THE COMMISSION

## ORDER

The Lake County Meat and Produce Company, Inc., by its president, W. B. Rannels and C. F. Frederickson & Sons, have, under date of February 28, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights and privileges for the conduct of an automobile freight transportation line operating as a common carrier of freight between Lower Lake and Calistoga, the applicant, Lake County Meat and Produce Company, Inc. desiring to sell, and the applicants, C. F. Frederickson & Sons desiring to purchase, acquire and hereafter operate said service.

The rights and privileges, transfer of which is hereby authorized, are those acquired by applicant, Lake County Meat and Produce Company, by reason of alleged operations prior to May 1, 1917, date upon which operators in good faith were not required to procure certificate of public convenience and necessity.

Transfer of the rights and privileges is to be made in accordance with a bill of sale copy of which is attached to and made a part of the application in this proceeding.

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 HEREBY 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 purpose other than the transfer herein referred to.
2. That the applicant, Lake County Meat and Produce Company, Inc. will be required to immediately cancel all tariffs and time schedules now filed with the Railroad Commission. Such cancellation to be in accordance with the provisions of General Order No. 51, and other regulations of the Railroad Commission.
3. That applicant, C. F. Frederickson & Sons will be required to immediately file tariffs and time schedules in their own name, or to adopt as their own the tariff and time schedule as heretofore filed with the Railroad Commission by applicant, Lake County Meat and Produce Company, Inc., all fares to be identical with those filed by applicant, Lake County Meat and Produce Company, Inc.
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. F. Frederickson & Sons, 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 5<sup>th</sup> day of March, 1921.

Frank R. Dehn  
H. D. Howard  
H. B. Anderson  
Charles H. Kowak

Commissioners.