Decision No. 8742

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of M. . DUNCAN, for an order granting permission to sell and transfer his one-half interest in right and title to operate freight auto truck service betweennLos Angeles and Loncaster and intermediate points, to his co-partner, Walter Kielhofer, and for permission to discontinue his service;

and

Application of Walter Kielhofer for an) order granting permission to purchase) the one-half interest in said line now) owned by M. O. Duncan, and for permis-) sion to operate same thereafter.) Application No. 6612

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BY THE COMMISSION.

ORDER

M. C. Duncan and Walter Kielhofer, have, under date of March 3, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of the operative rights of an automobile truck line operating as a common carrier of freight between Los Angeles and Lancaster and intermediate points, the applicant, M. C. Duncan, desiring to sell and transfer his onehalf interest in said truck line, and applicant Walter Kielhofer desiring to purchase and acquire the ome-half interest in the ownership of said truck line.

The rights and priveleges, transfer of which is hereby authorized, are those acquired by applicants. M. O. Duncan and

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Walter Keilhofer, by reason of certificate of Public convenience and necessity having been granted by the Railroad Commission in its Decision No. 8593, on Application No. 6340, decided January 26, 1921. Transfer of the rights and priveleges is to be made in accordance with an agreement incorporated in the application in this proceeding, setting forth the sum of Six Hundred and Fifty (\$650.00) Dollars as amount to be paid for the one-half interest. No equipment is involved in this transaction.

The route and operative rights thereover, for which approval of transfer is sought is as follows: Beginning at Los Angeles, thence to Newhall, thence to Saugus, thence to Mint Canyon, thence to Vincent, thence to Earold, thence to Palmdale, thence to Lancaster.

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 ORDERD 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 applicants, M. O. Duncan and Walter Keilhofer will be required to immediately cancel all tariffs and time schedules now on file with the Railroad Commission. Such cancellation to be in accordance with the provisions of General Order

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No. 51, and other regulations of the Railroad Commission.

- 3. That applicant Walter Keilhofer, will be required to immediately file tariffs and time schedules in his own name, or to adopt as his own the tariff and time schedule as heretofore filed with the Railroad Commission by applicants, M. O. Duncan and Walter Keilhofer, all fares to be identical with those filed by applicants M.O.Duncan and Walter Keilhofer.
- 4. The rights and priveleges 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 applicant, Walter Kilhofer, unless such vehicle is owned by him or is leased by him 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 <u>14</u> day of March, 1921.

ing Commissioners.

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