

Decision No. 8884

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
H. C. Venable and A. T. Spencer, for)
an order granting permission to dis-)
solve the co-partnership now existing)
between them in the operation of Auto) Application No. 6713
Truck Milk route and Freight Transpor-)
tation Service, each to retain certain)
operative rights.)

BY THE COMMISSION.

ORDER

H. C. Venable and A. T. Spencer have, under date of April 4, 1921, petitioned the Railroad Commission for an order authorizing the dissolution of a co-partnership operating as common carriers of milk and freight between Los Angeles and various points hereinafter described. A. T. Spencer proposes to retain routes one and two and H. C. Venable retaining routes three and four.

The rights and privileges, dissolution of which is hereby sought are those acquired by applicants, H. C. Venable and A. T. Spencer by reason of certificate of public convenience and necessity and certificate of transfer having been granted by the Railroad Commission in Decision No. 6961 on Application No. 4639, rendered December 19, 1919, Decision No. 7084 on Application No. 5289 rendered February 5, 1920, and Decision No. 8633, on Application No. 6281, rendered February 21, 1921.

Dissolution of partnership is to be made in accordance with a memorandum incorporated in the application in this proceeding, setting forth the sum of Eleven Thousand Eight Hundred and Seventy Five (\$11,875.00) Dollars, as E. C. Venable's allotment, and Eight Thousand and Twenty Five (\$8,025.00) as A. T. Spencer's allotment, which makes a difference in allotment of equipment in amount of Three Thousand Eight Hundred and Fifty (\$3,850.00) Dollars, one half of which, or One Thousand Nine Hundred and Twenty Five (\$1,925.00) is to be paid to A. T. Spencer by E. C. Venable.

Description of route proposed to be taken over and operated by A. T. Spencer, is as follows:

Route 1,- Norwalk, Santa Fe Springs, Studebaker, Downey Bell to Los Angeles.

Route 2,- Norwalk, Buena Park, La Marada, Norwalk to Los Angeles.

Description of route proposed to be taken over and operated by E. C. Venable, is as follows:

Route 3,- Norwalk, Hansen, Cypress, Artesia, through Norwalk, Downey, Huntington Park to Los Angeles.

Route 4,- Norwalk, circle around Artesia, Norwalk through Downey, Huntington Park to Los Angeles.

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 applicants, E. C. Venable and A. T. Spencer 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 applicants E. C. Venable and A. T. Spencer will be required to immediately file tariffs and time schedules in their own name, all fares to be identical with those filed by applicants, E. C. Venable and A. T. Spencer.
4. The rights and privileges of transfer which are hereby authorized, may 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 applicants, E. C. Venable and A. T. Spencer 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 19th day of April, 1921.

H. D. Loveland
H. C. Lindigo
James Martin
Chas. H. Swell
Commissioners.