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Decision No. 9498

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of JAMES R. MORGAN to sell and FRANCIS E. and MERTON E. PENHALL to purchase an automobile truck line engaged in the transportation of milk between Los Angeles and Westminster, Wintersburg, Talbert and dairy ranches adjacent thereto.

) ORIGINAL

) Application No. 7158

BY THE COMMISSION,

ORDER

In this proceeding James R. Morgan petitions the Railroad Commission for an order authorizing him to sell and Francis E. and Merton E. Penhall for an order authorizing them to purchase certain equipment and the operative rights authorizing the operation of an automobile truck line for the transportation of milk from dairy ranches in the vicinity of Westminster, Smeltzer, Wintersburg, to Los Angeles.

The operative rights between Los Angeles and Westminster herein proposed to be transferred were obtained by James R. Morgan under Decision No. 7004, dated January 8, 1920, which decision authorized G. E. Mansperger to sell and James R. Morgan to purchase operative rights covering the above route. Under Decision No. 8040, dated August 27, 1920, James R. Morgan was granted a certificate authorizing the extension of his automobile truck milk service from its then terminus of Westminster to territory adjacent to Smeltzer, Wintersburg and Talbert.

The consideration to be paid for the property herein proposed to be transferred is given as the sum of \$8,000.00 of which amount \$6,500.00 represents the value of two 2-ton G.M.C. trucks and one trailer. The balance is given as the consideration to be paid for the operative rights and good will.

The proposed purchasers herein are at the present time operating an automobile truck line for the transportation of milk between Los Angeles, Cypress, Buena Park, Hynes and Clearwater and expect to operate the purchased property in connection with their existing business.

It appearing to the Commission 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 above entitled application be, and the same hereby is granted subject to the following conditions:

1. That the consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value for rate fixing or any purposes other than the transfer herein authorized.

2. That the applicant James R. Morgan shall 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 No. 51 and other regulations of the Railroad Commission.

3. That the applicants Francis E. and Merton E. Penhall shall immediately file tariff of rates and time schedules, in duplicate, in their own names, or adopt as their own the tariffs and time schedules heretofore filed with the Railroad Commission by applicant James R. Morgan, all rates and time schedules to be identical with those filed by applicant James R. Morgan.

4. That the rights and privileges herein authorized to be transferred 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. That no vehicle may be operated by the applicants Francis E. and Merton E. Penhall, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 14th day of September, 1921.

H. C. ...

James Morgan
Francis E. Penhall
Merton E. Penhall
Commissioners

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