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Decision No. 9770

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
 H. K. ANDERSON to sell and JOSEPE)
 K. HAWKINS to purchase and operate an :
 automobile truck line engaged in the :
 transportation of milk between a) Application No. 7259
 point seven miles southeast of Chino, :
 through Pomona to Los Angeles and :
 from Pomona to Los Angeles.)

BY THE COMMISSION,

ORDER

In this proceeding H. K. Anderson has made application to the Railroad Commission for permission to sell and Joseph K. Hawkins for permission to purchase the operative right to an automobile truck line engaged in the transportation of milk as hereinafter described.

The operative right proposed to be transferred was obtained by H. K. Anderson through operation in good faith prior to May 1st, 1917 and continuously since that date and includes the following described territory:

ROUTE 1. Commencing at Luckermeyer Dairy on Archibald Ave., 7 miles southeast of Chino, thence north to Chino Ave., then west $\frac{1}{2}$ mile on Chino Ave., thence north to Riverside Drive, thence west to Walker Ave., south on Walker Ave. to Edison Ave., west on Edison Ave., to Euclid Ave., north on Euclid to Riverside Drive; thence west to East End Ave., north to Philadelphia St. and west to Garey St., Pomona. Thence via Valley Boulevard to Los Angeles where deliveries are made to all creameries. No milk picked up after leaving Pomona.

ROUTE 2. Commencing at intersection of East End Ave., and Franklin Sts., Pomona, thence north on East End to Phillips Blvd., west to Reservoir south to Franklin; west to Towne Ave., North to Phillips and west to Garey St. Pomona, thence via Valley Boulevard to Los Angeles.

It is also proposed to transfer two 2-ton Mack trucks, one 2½-ton Moreland truck and one 1½ Utility Trailer.

The consideration to be paid for the property herein proposed to be transferred is given as the sum of \$7,000.00, with the assumption by the proposed purchaser of an unpaid contract on two Mack trucks proposed to be transferred amounting to \$5,000.00. The seller's equity in the two Mack trucks is given as the sum of \$4,000.00, the value of the Moreland truck as \$2,250.00 and value of the trailer as \$250.00. Applicant also claims a value of \$500.00 for his operative right and good will.

In granting this application it will be distinctly understood that the Railroad Commission in no way passes upon the value of the property herein proposed to be transferred, except insofar as is necessary for the present proceeding.

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 of said property for rate fixing or any purpose other than the transfer herein authorized.

2. That applicant H. K. Anderson 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 applicant Joseph E. Hawkins shall immediately file tariff of rates and time schedule, in duplicate, in his own name, or adopt as his own the tariffs and time schedules heretofore filed with the Railroad Commission by applicant H. K. Anderson, all rates and time schedules to be identical with those filed by applicant Anderson.

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 applicant Hawkins unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 17th day of
November, 1921.

H. A. Brundage
H. D. Loveland
Dwight Martin
J. P. Brennan
Commissioners