

Decision No. 20781

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. W. NICKELL, doing business as
NICKELL TRANSFER COMPANY, to lease
to R. T. CHRISTMAS and J. L. McADAM
and of the latter to lease from the
former, his auto truck freight line
between San Francisco, Los Angeles
and intermediate points.

Supplemental
Application
No. 20538

ORIGINAL

BY THE COMMISSION:

ORDER OF REVOCATION

WHEREAS, on September 21, 1936, the Commission issued its Decision No. 29118 authorizing Rena Nickell, as the administratrix of the estate of A. W. Nickell, deceased, to lease to R. T. Christmas and J. L. McAdam an operating right for the transportation, as a highway common carrier, of new and second-hand household goods, office furniture and personal effects between San Francisco, Oakland, Los Angeles and intermediate points, and

WHEREAS, on March 4, 1938, said Rena Nickell, as complainant, caused to be filed with the Commission an action, Case No. 4302, in which it is alleged, among other things, that R. T. Christmas and J. L. McAdam, as defendants therein, have violated condition No. 5 of Decision No. 29118 by discontinuing the service authorized therein without first having obtained written authority from the Commission, and

WHEREAS, on April 6, 1938, there was filed with the Commission by said Rena Nickell, and R. T. Christmas and J. L. McAdam, a joint request of the Commission to issue its order (a) revoking

the authority granted by it in its Decision No. 29118 and (b) dismissing the complaint in Case No. 4302, in compliance with an agreement entered into by and between Rena Nickell, party of the first part, and R. T. Christmas and J. L. McAdam, party of the second part, dated March 30, 1938, based upon an "offer of satisfaction" filed by said Christmas and McAdam with the Commission on March 24, 1938.

Now, therefore, and good cause appearing,

IT IS ORDERED that Decision No. 29118 is vacated, revoked and annulled subject to the following conditions:

1. R. T. Christmas and J. L. McAdam shall within twenty (20) days after the effective date of the order herein unite with Rena Nickell, as administratrix of the estate of A. W. Nickell, deceased, in common supplement to the tariffs on file with the Commission, covering service hereinabove referred to, Christmas and McAdam withdrawing and Rena Nickell accepting and establishing such tariffs and all effective supplements thereto.
2. Christmas and McAdam shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in their name with the Railroad Commission and Rena Nickell shall within twenty (20) days after the effective date of the order herein file, in duplicate, in her own name time schedules covering service heretofore given by Christmas and McAdam which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of Christmas and McAdam or time schedules satisfactory to the Railroad Commission.
3. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been obtained.
4. No vehicle may be operated by Rena Nickell unless such vehicle is owned by said Rena Nickell or is leased by her under a contract or agreement on a basis satisfactory to the Railroad Commission.

5. The authority herein granted shall lapse and be void if parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.

6. Rena Nickell shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 11th day of April, 1938.

Walter M. Mac
Leon C. Whittell
Frederick R. Wilson
Robert W. Wilson
Carl E. Riley
COMMISSIONERS.