

Decision No. 21002

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Sarah Addlestone, doing business as
Merchants Parcel Delivery, to trans-
fer express operative rights to
Merchants Parcel Delivery, a corpora-
tion.

Application No. 22523

BY THE COMMISSION:

OPINION AND ORDER

By this application, as amended, Sarah Addlestone, an individual doing business as Merchants Parcel Delivery, seeks authority to transfer, and Merchants Parcel Delivery, a corporation, seeks authority to acquire, the prescriptive right to operate as an express corporation which said Sarah Addlestone now possesses.¹ In support of this application it is alleged that the proposed transferee now acts as the underlying carrier for Sarah Addlestone's express operation, that it also renders a local drayage service within San Francisco, and that in the event the transfer herein sought is authorized the express service now being rendered by Sarah Addlestone will be continued by Merchants Parcel Delivery without material change.

This is a matter in which a public hearing is not necessary. It appears from the application that the express service

¹ The prescriptive right involved is defined in Decision No. 31001 in Application No. 21857, as follows:

* *** (1) for the transportation of packages sold at retail from San Francisco to purchasers at their respective homes, office addresses, or places of employment in (a) Alameda, Albany, Berkeley, El Cerrito, Emeryville, Hayward, Oakland, Piedmont, Richmond, Richmond Annex, San Pablo, San Leandro and Mt. Eden, and (b) in the territory embracing Burlingame, Colma, Daly City, Los Altos, Menlo Park, Mountain View, Palo Alto, Redwood City, San Jose, Santa Clara, Sunnyvale, Woodside and points situated between said points and San Francisco; and (2) for the transportation of packages of merchandise weighing not more than twelve pounds from retail stores in San Francisco to branches of such stores in said destination territory."

involved will be maintained as heretofore and that the public will not be affected by the proposed transfer. The application will be granted. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Sarah Addlestone be and she is hereby authorized to transfer and Merchants Parcel Delivery, a corporation, be and it is hereby authorized to acquire the prescriptive right to operate as an express corporation as defined in the preceding opinion, subject to the following conditions:

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

2. That Sarah Addlestone and Merchants Parcel Delivery, a corporation, shall immediately supplement the tariff now on file with this Commission in the name of Sarah Addlestone, doing business as Merchants Parcel Delivery, said Sarah Addlestone effecting a withdrawal therefrom and said Merchants Parcel Delivery, a corporation, adopting and establishing said tariff as its own;

3. That the rights and privileges herein authorized to be conveyed may neither be sold, leased, transferred nor assigned, nor may service thereunder be discontinued, in the absence of the written authorization of this Commission to such sale, lease, transfer, assignment or discontinuance.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of February, 1939.

Robert W. Brown
Frank R. Smith
Ray L. Cline
W. H. Kelly
Justin D. Cramer
Commissioners.