

ORIGINAL

Decision No. 32572

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
GEORGE DOSTER, doing business as	)	
STOCKTON, OAKDALE EXPRESS CO., to	)	
sell, and VALLEY MOTOR LINES, INC.	)	Supplemental
to purchase an automobile freight	)	Application
line, operating between Stockton on	)	No. 22572
the one hand, and Oakdale on the	)	
other hand, and intermediate points.	)	

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By the Commission's ex parte Decision No. 31790, dated February 27, 1939, and made effective on said date, George Doster, an individual operating under the fictitious name and style of Stockton - Oakdale Express, was authorized to sell, and Valley Motor Lines, Inc., a corporation, was authorized to purchase a highway common carrier operating right for the automotive transportation of property between Stockton and Oakdale and intermediate points subject to certain conditions, including the filing of tariffs and time schedules, which were to be complied with within a specified period of time or said authority was to lapse and become null and void.

Applicants having failed to comply with said conditions within the time specified, and the authority having thereby become null and void, applicants did thereafter, on May 31, 1939, file a supplemental application requesting the Commission to revive said Decision No. 31790.

In support of such request applicants allege that due to the fact that there was pending before the Interstate Commerce Commission an application for similar authority upon which action

had not been obtained prior to the expiration of the period of time for compliance set forth in Decision No. 31790, it was impractical for applicants to consummate the transaction authorized therein.

Applicants now advise that the Interstate Commerce Commission has granted the authority referred to above and that they now desire to consummate the transaction by filing the tariffs and time schedules heretofore required. This request appears reasonable and the application will be granted.

O R D E R

Good cause appearing therefor,

IT IS ORDERED that the order contained in Decision No. 31790, dated February 27, 1939, in the above-entitled proceeding, and each and all of the terms and provisions thereof, and the declarations therein contained, be and they are hereby adopted and made a part hereof by reference to the same extent and with the same force and effect as though the same were here set forth in full; and

IT IS FURTHER ORDERED that, in lieu of the conditions contained in the order of said Decision No. 31790, the following conditions be and they are hereby adopted and made a part hereof to wit:

1. 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 for any purpose other than the transfer herein authorized.

2. Applicant George Doster shall within twenty (20) days after the effective date of the order herein unite with applicant Valley Motor Lines, Inc. in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant George Doster withdrawing and applicant Valley Motor Lines, Inc. accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant George Doster shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in his name with the Railroad Commission and applicant Valley Motor Lines, Inc. shall within twenty (20) days after the effective date of the order herein file, in duplicate, in its own name time schedules covering service heretofore given by applicant George Doster which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant George Doster or time schedules satisfactory to the Railroad Commission.
4. 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.
5. No vehicle may be operated by applicant Valley Motor Lines, Inc. unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.
6. The authority herein granted shall lapse and be void if the 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.

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

Dated at San Francisco, California, this 6th day of June, 1939.

Paul W. Lusk  
Frank D. Lusk  
Carl A. Kelley  
H. H. Lusk  
Justice D. Cooney  
 COMMISSIONERS