

Decision No. 22691

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SOUTHERN CALIFORNIA FREIGHT)
LINES to acquire an automobile)
freight line, operated between)
Los Angeles and Imperial Valley)
points, California.)

ORIGINAL
Application No. 22691

EL. J. BISCHOFF, for Applicant.

F. W. TURCOTTE, for Wm. E. DeWitt, Finif
Burton, and for F. E. DeWitt and W. E.
DeWitt, co-partners, doing business as
DeWitt Brother Service Station of
Indio, Protestants.

HAROLD W. DILL, for The Truck and Warehouse
Association of San Diego and Imperial
Counties, Interested Party.

WOLFORD & HEALD, by D. E. Wolford, for Charles
B. Lee, Protestant.

PERCY C. THACKER, for Pioneer Truck and Transfer
Company of El Centro, Protestant.

BY THE COMMISSION:

O P I N I O N

By its application filed April 14, 1939, Southern
California Freight Lines, a corporation, seeks approval for the
transfer of a certificate of public convenience and necessity
previously issued to Charles B. Lee, doing business as Farmers
Trucking Service, which applicant assertedly purchased April 10,
1939, at an execution sale had under a judgment recovered against
Lee. The latter did not join in the application.

Protests against the approval of the transfer were voiced by Percy C. Thacker of Pioneer Truck and Transfer Company, a carrier serving the territory occupied by Lee, by certain of Lee's creditors, and by Lee himself. The Truck and Warehouse Association of San Diego and Imperial Counties appeared as an interested party.

A public hearing was had before Examiner Austin at Los Angeles, May 18, 1939, when the matter was submitted upon briefs, since filed, and it is now ready for decision.

No dispute exists concerning the facts, the allegations of the application having been expressly admitted, and other material facts having been established by stipulation of all the parties. It thus appears that by Decision No. 30499, on Application No. 20873, dated January 3, 1938, the Commission granted to Charles B. Lee, doing business as Farmers Trucking Service, a certificate of public convenience and necessity authorizing the transportation of fresh fruits and vegetables and certain other agricultural commodities, as a highway common carrier from El Centro, Niland, Westmoreland and an area within a fifteen mile radius of each of these points, on the one hand, to Los Angeles, on the other hand, via U. S. Highway 99, during the season extending from approximately November 1st of each year to approximately August 1st of the succeeding year.

Pursuant to execution issued upon a judgment recovered against Charles B. Lee in the sum of \$393.96 with interest and costs, in the Municipal Court of the city of Los Angeles, the sheriff of Imperial County purportedly sold this certificate of public convenience and necessity at public auction on April 10, 1939, to applicant Southern California Freight Lines, the highest bidder at such sale, for the sum of \$300. Notice of this sale