

ORIGINAL

Decision No. 23001

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
GERTRUDE K. BRINKMAN to transfer to)	
G. A. BRINKMAN certificate of public)	Application No. 23001
convenience and necessity for opera-)	
tion of motor trucks in the transpor-)	
tation of property for hire.)	

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

On October 3, 1939, the Commission issued its Decision No. 32405 in this proceeding authorizing Gertrude K. Brinkman to sell and transfer and G. A. Brinkman to purchase and acquire certain highway common carrier operative rights between Los Angeles and San Bernardino and other points in Southern California as more particularly set forth therein. Such authority was granted subject to the condition that it would lapse and become void if the conditions attached thereto were not complied with within the times fixed in the order of said Decision No. 32405. All of the conditions were not complied with and the authority for the transfer is now void.

On December 5, 1939, applicant G. A. Brinkman, through counsel, filed a supplemental application requesting the Commission to regrant the authority for the transfer heretofore authorized by Decision No. 32405.

As justification for the authority sought applicant alleges that his failure to comply with the conditions of Decision No. 32405 was through an oversight on his part. Such request appears to be reasonable and it will be granted.

FIRST SUPPLEMENTAL ORDER

Good cause appearing,

IT IS ORDERED that the order contained in Decision No. 32405, dated October 3, 1939, in the above-entitled proceeding, and each and all of the terms and provisions thereof 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, provided, however, that in lieu of the conditions contained in the order of said Decision No. 32405 the following conditions be and they are hereby adopted and made a part hereof, to-wit:

1. The authority herein granted to sell and transfer 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.
2. 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.
3. Applicant G. K. Brinkman shall within thirty (30) days after the effective date of the order herein, on not less than five (5) days' notice to the Commission and the public, unite with applicant G. A. Brinkman in common supplement to the tariffs on file with the Commission covering service given under the certificate herein authorized to be transferred, applicant G. K. Brinkman withdrawing and applicant G. A. Brinkman accepting and establishing such tariffs and all effective supplements thereto.
4. Applicant G. K. Brinkman shall within thirty (30) days after the effective date of the order herein withdraw all time schedules filed in her name with the Railroad Commission and applicant G. A. Brinkman shall within thirty (30) days after the effective date of the order herein file, in duplicate, in his own name time schedules covering service heretofore given by applicant G. K. Brinkman, which time schedules shall be satisfactory to the Railroad Commission.
5. 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.

6. No vehicle may be operated by applicant G. A. Brinkman 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.
7. Applicant 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 12th day of
December, 1939.

Robert W. DeFur
Frank D. Wren
Ray L. Rice

Justus F. Casner
COMMISSIONERS