

Decision No. 32752

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of HASLETT WAREHOUSE COMPANY, a corporation, and PEOPLES EXPRESS COMPANY, a corporation, for an order authorizing the former to sell and convey to the latter the right to operate as a highway common carrier between San Francisco and points on the east side of San Francisco Bay.

ORIGINAL

Application No. 23215

BY THE COMMISSION:

OPINION

Haslett Warehouse Company, a corporation, has petitioned the Railroad Commission for an order approving the sale and transfer by it to Peoples Express Company, a corporation, of an operative right for the automotive transportation of property as a highway common carrier between San Francisco and certain East Bay points, including Oakland, Berkeley, Alameda, Piedmont, Emeryville, Fruitvale, Melrose and Albany. Peoples Express Company has petitioned for authority to purchase and acquire said operative right and to hereafter operate thereunder. The consideration involved is the nominal sum of one (1) dollar.

As justification for the authority herein sought, it is alleged that the Peoples Express Company is a wholly owned subsidiary of applicant Haslett Warehouse Company; that the Commission by its Decision No. 28694, pursuant to the joint application of these applicants (Application No. 20436) authorized Peoples Express

Company to transfer to Haslett Warehouse Company a prescriptive highway common carrier operative right between the points hereinabove set forth. It is further alleged that applicant Haslett Warehouse Company, in addition to possessing said highway common carrier operative right between San Francisco and East Bay points, also possesses the right to operate and is operating, as an express corporation, between the same points; that the experience of said applicant Haslett Warehouse Company in operating in this dual capacity has been unsatisfactory to it from an operating standpoint, and has created confusion in the minds of the shipping public as to which service rendered by it is conducted as a highway common carrier and which service is conducted as an express corporation; that the chief reason why said highway common carrier operative right was transferred from applicant Peoples Express Company to applicant Haslett Warehouse Company was to avoid the necessity of keeping two separate sets of books of account by applicant Haslett Warehouse Company, which has now concluded that it would be less confusing and inconvenient if each operative right were held and exercised by a separate corporation; and, that it is the opinion of applicant Haslett Warehouse Company, from experience, that the transfer to it of said highway common carrier operative right, should never have been made.

The operative right herein proposed to be transferred is that which was acquired by applicant Haslett Warehouse Company under the authority of the Commission's Decision No. 28694, dated April 6, 1936, on Application No. 20436, and Decision No. 29196, dated October 19, 1936, on Application No. 19838.

This does not appear to be a matter in which a public hearing is necessary and the application will be granted.

O R D E R

IT IS ORDERED that Haslett Warehouse Company, a corporation, is hereby authorized to transfer to Peoples Express Company, a corporation, the highway common carrier operative right referred to in the foregoing opinion, and Peoples Express Company, a corporation, is hereby authorized to acquire the operative right referred to in the foregoing opinion, in accordance with the provisions of the application herein and to hereafter operate thereunder, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all of 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 Haslett Warehouse Company shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, unite with applicant Peoples Express Company, in common supplement to the tariffs on file with the Commission covering the service given under the operative rights herein authorized to be transferred, applicant Haslett Warehouse Company withdrawing, and applicant Peoples Express Company accepting and establishing, such tariffs and all effective supplements thereto.
4. Applicant Haslett Warehouse Company shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, withdraw all time schedules filed in its name with the Railroad Commission and applicant Peoples Express Company shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, file in duplicate, in its own name, time schedules covering service heretofore given by applicant Haslett Warehouse Company 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 Peoples Express Company 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.

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 Los Angeles, California, this 23rd day of January, 1940.

Ray L. Riley
Frank D. Miller
Raymond J. ...
Justus J. ...
COMMISSIONERS