



a bid for the operative rights of Charles B. Lee. Subsequent thereto, on April 14th, 1939, Southern California Freight Lines filed an application numbered 22691 with the Commission for the approval of the transfer of said certificate in accordance with said bid. On June 27, 1939, the Commission issued its Decision No. 32115, whereby application No. 22691 of the Southern California Freight Lines was denied without prejudice, to give opportunity to adjudicate the validity of the proposed sale of said operative rights.

On December 2nd, 1939, there was filed with the Commission on behalf of the Southern California Freight Lines, a protest to this application. Said protest was later withdrawn and Southern California Freight Lines assigned any right, title and interest acquired as a result of its bid at the execution sale of the operative rights of Charles B. Lee, to applicant.

Mr. Keating testified that the United States District Court in and for the Southern District of California, Southern Division, duly made an order directing the sale of said certificate<sup>1</sup> to the highest and best bidder at the office of Robert B. Whitelaw, referee in Bankruptcy. That notice of said sale was duly and regularly given and that at the time and place specified said certificate was offered for sale, and that at said sale Dale C. Ramsey was the highest and best bidder therefor. That said applicant accepted said bid and arrangements were made with Dale C. Ramsey to pay said sum bid.<sup>2</sup> Applicant, as trustee in said bankrupt proceedings, authorized the sale of said operative rights of Charles B. Lee to Dale C. Ramsey, in accordance with the terms of said bid, subject to the approval of the Railroad Commission.

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1 Decision No. 30499, dated January 3, 1938.

2 Exhibit "A" of application. Such exhibit is a copy of the agreement of sale entered into by applicants under the terms of which \$2,000 is the agreed purchase price of the operative right, no equipment being involved. Payments are made monthly over a sixteen months period of time. The minimum fee of \$25, required by Section 57 of the Public Utilities Act, has been paid.

Thereafter, the sale was duly and regularly reported to the United States District Court in and for the Southern District of California, Southern Division, and on the 2nd day of November, 1939, the Honorable Robert B. Whitelaw, Referee in Bankruptcy, duly made and entered an order confirming said sale.

The record discloses that Dale C. Ramsey, the bidder at said trustee's sale, has been engaged in the trucking business in California for many years and for the past several years has been operating trucks in the transportation of property between Los Angeles and the Imperial Valley. At the present time he is operating eleven trucks.<sup>3</sup> According to a financial statement,<sup>4</sup> Dale C. Ramsey is well able to conduct a transportation service in accordance with said certificate, in the event this application is granted.

In view of the record it appears that this application should be granted, and

IT IS HEREBY FOUND as a fact that public convenience and necessity require the transfer of the certificate issued by Decision No. 30499, to Charles B. Lee, doing business under the fictitious firm name and style of Farmers Trucking Service, to Dale C. Ramsey, doing business as Valley Truck Co., in accordance with this application.

I present the following form of order:

O R D E R

Hugh L. Keating, Trustee in Bankruptcy of the Estate of Charles B. Lee, having applied for authority to transfer a certificate of public convenience and necessity granted to Charles B. Lee by the Railroad Commission in Decision No. 30499, a public hearing having been held upon said application, and the Commission finding that public convenience and necessity will better be served

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<sup>3</sup> Exhibit No. 3

<sup>4</sup> Exhibit No. 4

by an authorization of said transfer as applied for,

IT IS HEREBY ORDERED that Hugh L. Keating, Trustee in Bankruptcy of the Estate of Charles B. Lee, doing business under the fictitious firm name and style of Farmers Trucking Service, be and he is hereby authorized to transfer to Dale C. Ramsey that certain certificate of public convenience and necessity granted to said Charles B. Lee by the Commission in Decision No. 30499, and Dale C. Ramsey is hereby authorized to acquire said certificate in accordance with the terms and conditions of an agreement, a copy of which is marked Exhibit "A" and attached to the application herein, and hereafter to 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 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 Hugh L. Keating, Trustee in Bankruptcy of the Estate of Charles B. Lee, 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 Dale C. Ramsey 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 Keating withdrawing, and applicant Ramsey accepting and establishing, such tariffs and all effective supplements thereto.

4. Applicant Keating 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 his name with the Railroad Commission and applicant Ramsey 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 his own name time schedules covering service heretofore given by applicant Keating 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 Ramsey 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 foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of February, 1940.

Ray & Riley  
Commissioners  
W. Baker  
Justice J. Calver  
COMMISSIONERS