

Decision No. 33365.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of ROSE WODLINGER, to sell, and )  
H.P. MATTHEWS, to buy, the right )  
to operate an "express corpora- )  
tion," between points in Cali- )  
fornia. )

Application No. 23519

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

By this application Rose Wodlinger, an individual doing business as Consolidated Express Service, seeks authority to sell and H.P. Matthews, the present traffic manager of said company, seeks authority to buy an operative right held by said Rose Wodlinger, allegedly authorizing the transportation of property as an express corporation between San Francisco and other points in northern California on the one hand and Los Angeles and other points in southern California on the other hand.<sup>1</sup> In addition authority is sought to transfer certain equipment used in the conduct of the business. Under the proposal, the sum of \$5,000 will be paid for the operative right and the sum of \$250 for the equipment. Payment will be made in cash upon the transfer.

This does not appear to be a matter in which a public hearing is necessary. The application will be granted. It is to be understood, however, that in authorizing the transfer of the operative right referred to, the Commission is not determining the

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<sup>1</sup> The application alleges that the operative right in question was created by prescription by virtue of operations conducted by Rose Wodlinger prior to August 1, 1933, under tariffs on file with the Commission. Rates for the services involved are presently published in Consolidated Express Service Local and Joint Express Tariff No. 7, C.R.C. No. 7.

character or extent thereof but is merely permitting whatever operative right is now held by Rose Wodlinger to be acquired by H.P. Matthews.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Rose Wodlinger, doing business as Consolidated Express Service, be and she is hereby authorized to transfer to H.P. Matthews whatever operative right she may now possess to transport property within California as an express corporation, together with all equipment and supplies used in connection with such business, and H.P. Matthews is authorized to acquire the said operative right and equipment, subject to the following conditions:

1. Immediately upon the transfer, applicants shall unite in common supplement to the tariffs on file with the Commission covering the service involved, applicant Rose Wodlinger on the one hand withdrawing and applicant H.P. Matthews on the other hand accepting and establishing as his own said tariffs and all effective supplements thereto.

2. The consideration to be paid for the operative right herein authorized to be transferred shall never be urged before this Commission or any other rate-fixing body as a measure of value for rate fixing or for any purpose other than the transfer herein authorized.

3. The rights and privileges herein authorized to be transferred may not again be sold, leased, transferred or 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.

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

Dated at San Francisco, California, this 30<sup>th</sup>  
day of July, 1940.

Frank D. Kelly  
R. B. Workman  
M. J. Kelly  
Justus J. Gaeum  
Commissioners.