

Decision No. 33919-2

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THOMAS B. RILEY, doing business under
the firm name and style of ROY MARK FREIGHT
SERVICE, to sell and OREGON-NEVADA-
CALIFORNIA FAST FREIGHT, INC., to buy common
carrier operative rights by motor vehicle
for the transportation of property between
Redding and Pittville, California and
intermediate points, and for consolidation
and merger of said rights with the existing
operative rights of purchaser and substi-
tution of Oregon-Nevada-California Fast
Freight, Inc., for Thomas B. Riley as
applicant in Application No. 23728 wherein
an extension of said automotive service
between Pittville and Adin, California, and
intermediate points, is sought for the trans-
portation of property.

ORIGINAL

Supplemental
Application No. 23881

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 33919, dated February 18, 1941, the Commission authorized Thomas B. Riley, doing business as Roy Mark Freight Service, to sell and transfer his operative rights as a highway common carrier for the transportation of property between Redding and Pittville, and intermediate points, to the Oregon-Nevada-California Fast Freight, Inc.

By supplemental application herein, filed on February 20, 1941, the parties in the above entitled proceeding seek authority to postpone the effective date of Decision No. 33919 for a period not to exceed 180 days and in addition, the Oregon-Nevada-California Fast Freight, Inc., seeks authority to lease the intrastate operative right of Thomas B. Riley as a highway common carrier between Redding and Pittville for a period not

to exceed 180 days at a monthly rental of not more than \$100 per month.

In support of the supplemental application it is urged that there is now pending before the Interstate Commerce Commission, an application between the same parties, numbered MC-F-1459, which seeks authority to transfer Riley's interstate motor carrier operative right between Redding and Pittville to the Oregon-Nevada-California Fast Freight, Inc.; that on February 19, 1941, the Interstate Commerce Commission advised applicants in said proceeding that temporary authority had been granted to permit applicant Riley to lease his interstate operative rights to Oregon-Nevada-California Fast Freight, Inc. for a period of not to exceed 180 days; that said interstate lease must become effective on February 26, 1941, and continue until final approval of the interstate application No. MC-F-1459 by the Interstate Commerce Commission.

Applicants further contend that Riley's intrastate operative rights may not be acquired by Oregon-Nevada-California Fast Freight, Inc., until final approval of the interstate application has been granted by the Interstate Commerce Commission.

The authority granted by Decision No. 33919 is permissive in character and the supplemental application seeking a postponement thereof for a period of 180 days appears to be supported by good and sufficient reasons, except that this Commission does not at this time desire to pass upon the merits of applicants' contention that the transfer of intrastate operative rights requires approval of the Interstate Commerce Commission as a condition precedent to its validity. The supplemental application will be granted.

Upon consideration of the facts set forth in the supplemental application and good cause appearing,

IT IS HEREBY ORDERED that the effective date of Decision No. 33919, in so far as it authorizes and involves a transfer of operative rights from Thomas H. Riley to the Oregon-Nevada-California Fast Freight, Inc., be and it is hereby postponed for a period of 180 days from the date hereof.

IT IS HEREBY FURTHER ORDERED that Thomas B. Riley, doing business as Roy Mark Freight Service, be and he is hereby authorized to execute a lease agreement with Oregon-Nevada-California Fast Freight, Inc., for a period not to exceed six months from the date hereof, and to lease his intrastate operative rights as a highway common carrier for the transportation of property between Redding and Pittville, and intermediate points, at a monthly rental not to exceed \$100 per month, a copy of said lease agreement to be filed with the Commission and to become effective on February 26, 1941.

IT IS HEREBY FURTHER ORDERED that Thomas B. Riley and Oregon-Nevada-California Fast Freight, Inc., join in withdrawal and adoption notices to tariffs and supplements thereto now lawfully on file with this Commission, on one day's notice to the Commission and the public; and that Oregon-Nevada-California Fast Freight, Inc. file, in triplicate, time schedules of service identical in scope with the time schedules now on file with the Commission in the name of Thomas B. Riley, doing business as Roy Mark Freight Service, said new time schedules to become effective on one day's notice to the Commission and to the public.

For all other purposes Decision No. 33919, as amended, shall remain in full force and effect.

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

Dated at Los Angeles, California, this 25th day of February, 1941.

W. B. A. K.
Robert W. ...
Ray S. ...
Justice F. ...
Francis X. Havenner
Commissioners.

CERTIFIED AS A TRUE COPY

Secretary, Railroad Commission
of the State of California.