

ORIGINAL

Decision No. 33772

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MARY T. DUNNE, Seller, and RAYMOND)
 DOUBELL, Buyer, for an order of the)
 Railroad Commission of the State of) Application No. 24229
 California authorizing the sale and)
 transfer of the operative rights and)
 properties herein described.)

BY THE COMMISSION:

O P I N I O N

Mary T. Dunne, by the above-entitled application, seeks permission to sell and Raymond Doudell requests authority to purchase, the highway common carrier operative rights granted by Decision No. 33965, issued March 4, 1941, in Application No. 23994 together with the good will and going concern value of the business conducted pursuant to such rights.

Decision No. 33965 authorized Mary T. Dunne to acquire the highway common carrier rights of E. E. Dunne which were granted by Decision No. 32736, in Application No. 22397. These rights were originally granted to J. D. and J. W. Maynard by Decision No. 26047, in Application No. 11183. The operative rights under consideration authorize service between Betabel, Sargent, Gilroy, San Martin, Morgan Hill, San Jose, Santa Clara, Sunnyvale, Los Gatos, Campbell and intermediate points, with the right to serve points within seven miles on either side of the highways traversed and from the points above mentioned to San Francisco and Oakland. The operation which may be performed under such authority is limited to the transportation of vegetables, green and dried fruits, including berries and garden and

vegetable seeds, with a return movement of empty containers, seed and such merchandise as may be ordered by the ranchers and packing plants served.

The application shows that Mary T. Dunne has operated continuously pursuant to the above rights since she acquired them. The gross revenue received from the transportation performed since March 4, 1941 to and including May 14, 1941, is given as \$539.81.

It is alleged in the application that Raymond Doudell resides in San Jose. It is averred that he is willing to purchase the rights referred to and will continue operations thereunder in an efficient, adequate and economical manner.

The consideration to be paid by Doudell to Mary T. Dunne for her certificated operative rights and for the good will and going concern value of the business conducted pursuant to such rights is the sum of \$2,000.

Consideration has been given to this matter and the Commission is of the opinion and finds that public convenience and necessity require that this application be granted.

O R D E R

Based upon the application and the evidence pertaining thereto,

IT IS ORDERED as follows:

(1) That Mary T. Dunne is authorized to transfer the highway common carrier operative rights granted to her by Decision No. 33965, in Application No. 23994 together with the good

will and going concern value of the business conducted pursuant to such rights, to Raymond Doudell and the latter is granted the right to acquire said operative rights and hereafter to operate a highway common carrier service commensurate with said rights.

(2) That Mary T. Dunne and Raymond Doudell comply with General Order No. 80 by filing in triplicate, within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission, a withdrawal and adoption notice as required by said general order.

(3) That Raymond Doudell comply with Part IV of General Order No. 93-A within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1st day of July, 1941.

W. L. Baker
W. E. Kelly
Justin F. Calver
Francis V. Havener
Richard H. Hulse
COMMISSIONERS