

Decision No. 34787

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PRODUCE EXPRESS, a corporation, to
sell, and H.W. HENDRIX, an individual,
to buy common carrier operative rights
by motor vehicle for the transportation
of fresh fruits and vegetables and other
commodities between Imperial Valley
points and Los Angeles, California

Application No. 24553

BY THE COMMISSION:

O P I N I O N

In the above entitled application Produce Express, a corporation, has petitioned the Commission for an order authorizing the sale and transfer by it to H. W. Hendrix of a highway common carrier operative right for the transportation of fresh fruits, vegetables and other agricultural commodities seasonally, from certain Imperial Valley points to Los Angeles and the return movement of empty crates, boxes and certain specified commodities, all as more particularly described in Decision No. 30498, dated January 3, 1936, which created the operative right proposed to be transferred. Through successive transfers, this operative right was eventually acquired by applicant Produce Express under authority of the Commission's Decision No. 33918, dated February 18, 1941. H. W. Hendrix has petitioned for authority to purchase and acquire said operative right and thereafter to operate thereunder. It appears that the sale and transfer is to be made for a consideration of \$1,700.00 all of which is for the intangibles, no equipment being involved. The terms of payment extend over a period to and including June 1, 1944.

From the application it appears that under the operative right proposed to be transferred, service has been continuously provided by Produce Express since its acquisition of said right.

After full consideration of this matter the Commission is of the opinion and finds that the request for authority for the proposed transfer is in the public interest and that a public hearing is not necessary. The application will be granted.

O R D E R

Based upon the foregoing opinion and the Commission's finding,

IT IS ORDERED that Produce Express is hereby authorized to transfer to H. W. Hendrix the operative right referred to in the foregoing opinion, and H. W. Hendrix is hereby authorized to purchase and acquire said operative right and thereafter to operate thereunder.

IT IS FURTHER ORDERED that applicants herein shall comply with the Commission's General Order No. 80 and with Part IV of the Commission's General Order No. 93-A by filing, in triplicate and making effective concurrently, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.

The authority herein granted shall become effective when there has been paid to the Railroad Commission the minimum fee of \$25.00 required by Section 57 of the Public Utilities Act.

Dated at San Francisco, California, this 25th day of November, 1941.

[Handwritten signatures of Commissioners]
COMMISSIONERS

525.00
RAILROAD COMMISSION
STATE OF CALIFORNIA
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By *[Signature]*
SECRETARY