

Decision No. 34804

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 J. E. MURATET, GEORGE K. DAWSON and)
 BARNEY B. GREGORY, a co-partnership)
 doing business as MISSION LIMOUSINE)
 SERVICE, to sell, and of VERNON HARLOW)
 and CLARENCE HARLOW, a co-partnership)
 doing business as MISSION LIMOUSINE)
 SERVICE, to purchase, an automobile)
 passenger line operated between March)
 Field, California on the one hand, and)
 Riverside and San Bernardino, California)
 on the other hand; and application of)
 purchaser aforesaid to extend service)
 between Camp Haan on the one hand, and)
 Riverside and San Bernardino, California)
 on the other hand, serving intermediate)
 points.)

Application No. 24472

T. W. RUSSELL and ARTHUR GLANZ, by T. W. Russell, for Applicants.

E. L. H. BISSINGER, for Pacific Electric Railway Company and Hemet Bus Lines, Protestants.

BY THE COMMISSION:

O P I N I O N

By the above-entitled application J. E. Muratet, George K. Dawson and Barney B. Gregory, doing business as Mission Limousine Service, request authority to sell and transfer the passenger stage operative rights between March Field, Plantation, Riverside and San Bernardino granted to them by Decisions Nos. 34198 and 34256, in Application No. 24112, to Vernon and Clarence Harlow. Clarence and Vernon Harlow, by such application, ask for an extension of said operative authority to include the right to serve Camp Haan if the transfer is permitted.

Public hearing was held November 10, 1941 in Los Angeles before Examiner Howard.

At the request of the attorney representing applicants the portion of the application which sought authority to serve Camp Haan was removed from the calendar temporarily to a date to be set. Two reasons which prompted applicants to make this request were given. The United States Army is planning to increase materially the number of soldiers stationed at Camp Haan which may necessitate additional public transportation facilities. Further, it is the desire of Vernon and Clarence Harlow to demonstrate their ability to conduct the present service before they press their application for an extension of the operative authority. Accordingly, only the portion of this application pertaining to the transfer of the operative rights was submitted. The remainder of the application, which seeks an extension of service, is still pending.

Pacific Electric Railway Company and Hemet Bus Lines entered appearances at the hearing to protest the granting of a certificate authorizing applicants to serve Camp Haan. When the portion of the application pertaining to Camp Haan was removed from the calendar, the attorney representing Pacific Electric Railway and Hemet Bus Lines withdrew from the hearing.

The evidence shows that J. E. Muratet, George K. Dawson and Barney B. Gregory, to whom the certificate involved in this matter was originally granted, no longer desire to conduct the operation. Dawson died shortly before this matter was heard. His wife, who is alleged to be his legal heir, was represented at the hearing. It was stated that she was desirous of consummating the

transfer in accordance with the terms of the agreement her husband made prior to his death. Section 571 of the California Probate Code provides, in substance, that when at the time of his death a partnership existed between the decedent and any other person, the surviving partner has the right to continue in possession of the partnership and to settle its business, but such partner must account to the executor or administrator of the decedent's estate. The evidence shows that Muratet and Gregory, as the surviving partners, are proceeding to wind up the affairs of the partnership. If this transfer is authorized, the transferees, Clarence and Vernon Harlow, should file with the Commission, as soon as it can be obtained, documentary proof that their acquisition of the interest in the operative rights, formerly owned by George K. Dawson, has been duly approved. Gregory is employed full time in work which leaves him no opportunity to engage in the passenger stage business. Dawson and Gregory were the two men who had intended to drive regularly for Mission Limousine Service. Muratet was to act as relief driver and handle the office work. He is agent for Santa Fe Trail Transportation Company, Santa Fe Transportation Company, and Burlington Transportation Company in Riverside. He is also agent for four air lines, T.W.A., United, American and Western. His work as agent for the transportation companies mentioned has increased and, as a result, he has little time left to devote to Mission Limousine Service.

Due to the circumstances related, Mission Limousine Service found it necessary to employ drivers. Hence, it hired Vernon and Clarence Harlow who are brothers. The latter two

now desire to purchase the business. The Harlow brothers propose to continue the service presently rendered by Mission Limousine Service. It is their intention to do business under the same fictitious name, use the same terminals at San Bernardino, Riverside and March Field, charge the same fares per passenger and to give the same type of service.

The consideration to be paid by the Harlows for the rights and property to be acquired is \$1,275. This sum includes the equity of the sellers in two 1941 Ford station wagons, together with certain equipment therefor, and prepaid insurance and license fees thereon, the operative rights granted by the Commission and the good will of the business conducted by the sellers.

Clarence and Vernon Harlow will use the two station wagons mentioned to perform the service in question. Mrs. Clarence Harlow, the wife of one of the applicants, will keep the books and do the office work for the Harlow brothers.

The evidence of record indicates that the purchasers are financially able to operate the service and have sufficient transportation experience to conduct the operation efficiently.

The Commission has considered this matter and 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 foregoing opinion and the evidence of record,

IT IS ORDERED as follows:

(1) That J. E. Muratet, Barney B. Gregory and the legal representative or representatives of George K. Dawson, deceased, are authorized to sell and transfer the passenger stage operative rights granted by Decisions Nos. 34198 and 34256, in Application No. 24112, together with certain automotive equipment used in conducting business pursuant to such operative rights, to Vernon and Clarence Harlow.

(2) That Vernon and Clarence Harlow are authorized to acquire the operative rights and property above referred to and to conduct a passenger stage service commensurate with the authority granted and they are directed to file with the Commission, as soon as it can be obtained, documentary proof that their acquisition of the interest in the operative rights, formerly owned by George K. Dawson, has been duly approved.

(3) That J. E. Muratet, Barney B. Gregory, the legal representative or representatives of George K. Dawson, Clarence Harlow and Vernon Harlow comply with General Order No. 79 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.

(4) That Vernon and Clarence Harlow 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 the date hereof.

Dated at San Francisco, California, this 2nd day of December 1941.

W. L. Sawyer
Ray L. Rice
Justus F. Cravens
Frank R. Havens
Arthur L. Rucker
COMMISSIONERS