

Decision No. 35008

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
JOHN T. SMITH to sell and MERVYN M.)	
COMSTOCK, to purchase SMITH'S TRANSFER,)	Application No. 24636
a truck freight line between Stockton)	
and Manteca.)	

BY THE COMMISSION

O P I N I O N

John T. Smith has petitioned the Railroad Commission for an order approving the sale and transfer by him to Mervyn M. Comstock of an operating right as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between Stockton and Manteca, a distance of 12.5 miles, with no service to intermediate points, and Mervyn M. Comstock has petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement a copy of which is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$3000. It is declared that of this sum, \$1500 represents the value of equipment and \$1500 the value of intangibles.

Through successive transfers the operating right herein proposed to be transferred was eventually acquired by John T. Smith, the applicant, from Cecil R. Ireys and W.L. Ireys, under

authority of the Commission's Decision No. 24798, on Application No. 18138.

After full consideration of the matter the Commission is of the opinion that the authority for the proposed transfer should be granted and that a public hearing is not necessary. It will be so ordered.

O R D E R

Application having been filed in the above entitled matter and the Commission being duly advised, and hereby finding that public convenience and necessity so require:

IT IS ORDERED that John T. Smith is hereby authorized to transfer to Mervyn M. Comstock the operative right referred to in the foregoing opinion, and Mervyn M. Comstock is hereby authorized to purchase and acquire said 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 effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10th day of February 1942.

Justin F. Chaves
Ray L. Kelly
W. H. D. K. U.
Francis J. Starnes
Richard L. Taylor
COMMISSIONERS