

ORIGINAL

Decision No. 35387

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
T. I. BUIE, d/b/a BELLFLOWER TRANSFER)	
CO., to sell, and of READER TRUCK)	
LINES, a corporation, to purchase an)	Application No. 24874
automobile freight line operating)	
between Los Angeles and North Long)	
Beach, serving certain intermediate)	
points.)	

BY THE COMMISSION:

O P I N I O N

In this matter T. I. Buie, doing business as Bellflower Transfer Co., seeks authority to transfer to Reader Truck Lines, a corporation, and the latter seeks permission to acquire from the former an operative right authorizing operation as a highway common carrier, as defined by section 2-3/4 of the Public Utilities Act, between Los Angeles and Bellflower and intermediate points (subject to certain limitations), including Maywood, Bell, Vinvale, Downey, Hollydale, Clearwater and Hynes. This operative right rests upon certificates of public convenience and necessity previously issued by the Commission to Buie and his predecessor. (1)

Pursuant to a contract between Buie and Reader Truck Lines executed March 24, 1942, a copy of which accompanies the

(1) The operative right sought to be transferred was granted originally to C. L. Flack by Decision No. 7443, in Application No. 5035, dated April 19, 1920. Subsequently, it was transferred to applicant, T. I. Buie, pursuant to Decision No. 9309, in Application No. 7050, dated August 4, 1921. It was modified by Decision No. 25832, in Application No. 18719, dated April 17, 1933.

application, the former agreed to sell and transfer to the latter, and the latter undertook to purchase and acquire from the former, the operative right itself, exclusive of any tangible assets, together with the good will of the transportation business now conducted by Buie under the name of Bellflower Transfer Co. In consideration of the transfer of the operative right, Reader Truck Lines agreed to pay Buie, as the purchase price therefor, the sum of \$5000 of which \$2500 would be paid whenever the Commission's approval of the transfer should become effective, and the balance amounting to \$2500, would be payable in monthly installments of \$100 each, commencing thirty (30) days after the initial payment of \$2500. Deferred payments would bear interest from their respective due dates.

Operation under this certificate, so the applicants allege, has been conducted continuously and without interruption. The affidavit of applicant Buie was submitted, disclosing the monthly revenues derived from this operation for the period commencing March 1, 1940 and ending March 31, 1942.

Reader Truck Lines, it appears, is an experienced operator financially able to provide an adequate service. No public hearing would seem to be necessary. The application, therefore, will be granted. The granting of the application authorizes the execution of an agreement that is an evidence of indebtedness which, by its terms is payable more than twelve months after date. Reader Truck Lines will therefore be required to pay the minimum fee prescribed by section 57 of the Public Utilities Act.

O R D E R

Application having been made as above entitled; and the Commission being of the opinion and now finding, that public convenience and necessity so require:

IT IS ORDERED:

(1) That T. I. Buie, an individual, doing business as Bellflower Transfer Co., be and he hereby is authorized to transfer to Reader Truck Lines, a corporation, that certain operative right (as a highway common carrier, as defined by section 2-3/4, Public Utilities Act) acquired by said Buie pursuant to Decision No. 9309, in Application No. 7050, as thereafter modified by Decision No. 25832, in Application No. 18719.

(2) That Reader Truck Lines, a corporation, be and it hereby is authorized to acquire from said T. I. Buie the operative right described in paragraph (1) hereof, and thereafter to operate thereunder.

(3) That said T. I. Buie and Reader Truck Lines be and they hereby are authorized, within thirty (30) days after the effective date hereof, to execute an agreement substantially in the same form as the agreement dated March 24, 1942, a copy of which is attached to and made a part of the application herein and marked Exhibit A; provided, that the authority herein granted is for the purpose of this proceeding only, and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said agreement as to such other legal requirements to which said agreement may be subject.

The authority herein granted is subject to the following conditions:

- (a) The authority herein granted will become effective when said Reader Truck Lines has paid the minimum fee prescribed by section 57, Public Utilities Act, which fee is \$25.
- (b) Within thirty (30) days after the execution of said agreement, said Reader Truck Lines shall file with the Commission a copy thereof.
- (c) Reader Truck Lines, its successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

(4) That in connection with the transfer of said operative right pursuant to the authority herein granted, and in the operation by said Reader Truck Lines of a highway common carrier service thereunder, the applicants herein shall severally comply with and observe the following service regulations:

- (a) Applicants shall severally 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 one (1) day's notice to the Commission, a withdrawal and adoption notice as required by said General Order.
- (b) Applicants shall severally comply with Part IV of General Order No. 93-A within sixty (60) days from the date of this order and upon not less than one (1) day's notice to the Commission and the public.
- (c) That applicant, Reader Truck Lines, shall conduct said highway common carrier service over and along the following routes, subject to the authority of the Commission to change or modify them by further order at any time.

(i) From Los Angeles to Bellflower via south Alameda Street, Ninth Street, Santa Fe Avenue, Vernon Avenue, Pacific Avenue, Slauson Avenue, Atlantic Boulevard, Clara Street, Twelfth Street, Downey Avenue, Firestone Boulevard, Somerset Street, Paramount Avenue (formerly Ocean Avenue) and South Street in the city of Long Beach.

(ii) Returning via the same routes.

Except as herein otherwise expressly provided, the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 19th day of May, 1942.

Justus J. Cooney
Ray & Riley

Richard Rabe
COMMISSIONERS

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RAILROAD COMMISSION
STATE OF CALIFORNIA
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SECRETARY