

ORIGINAL

Decision No. 35652

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of JACOB)
N. RAU to sell and WESTERN TRUCK LINES,)
LTD., to purchase an automotive freight) Application No. 25167
line operated between Lone Pine and Darwin,)
California.)

BY THE COMMISSION:

O P I N I O N

In this proceeding applicant Jacob N. Rau seeks authority to transfer to applicant Western Truck Lines, Ltd., a corporation, (hereafter designated as Western), an operative right as a highway common carrier between Lone Pine and Darwin and intermediate points, together with a truck used in conducting this service. Rau now operates between these points pursuant to a certificate of public convenience and necessity which he acquired with the Commission's sanction. Under the terms of an agreement executed by the applicants on July 28, 1942, Western has undertaken to pay Rau, as the purchase price for the property sought to be transferred, the sum of \$1,200, of which \$950 represents the value of the equipment, and \$250 the value of the operative right. The total price is payable within six days after receiving the Commission's approval for the transfer.

(1) Authority to operate this service was granted originally to Eva C. Iversen by Decision No. 27703, rendered January 28, 1935, in Application No. 19783. Pursuant to Decision No. 31192, rendered August 15, 1938, in Application No. 22132, this certificate was transferred by Eva C. Iversen to Jacob N. Rau.

For many years, Western and its predecessors have operated a highway common carrier service between Lone Pine and Keeler, among other points. To protect Western in the conduct of that operation, the certificate originally granting the operative right now sought to be transferred restricted the shipments transported to those weighing not over 500 pounds each. Since the limitation would no longer serve its original purpose upon the transfer of the operative right to Western, and its retention would interfere with the performance of an efficient service by the latter, it will be eliminated.

In our judgment the proposed transfer would be in the public interest, and the application, accordingly, will be granted. A public hearing is unnecessary.

O R D E R

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

IT IS ORDERED:

(1) That Jacob N. Rau be, and he hereby is, authorized to transfer to Western Truck Lines, Ltd., a corporation:

- (a) The certificate of public convenience and necessity, authorizing operation as a highway common carrier between Lone Pine and Darwin and intermediate points, acquired by Jacob N. Rau pursuant to Decision No. 31192, rendered August 15, 1938, in Application No. 22132;

(b) That certain 1942-model Ford pickup-truck now used by applicant Rau in the performance of said highway common carrier service between Lone Pine and Darwin;

pursuant to the terms of the agreement between said parties, dated July 28, 1942, hereinabove referred to, which is hereby approved.

(2) That Western Truck Lines, Ltd. be, and it hereby is, authorized to acquire from Jacob N. Rau the operative right and the equipment described in paragraph (1) hereof, and thereafter to operate as a highway common carrier pursuant to said operative right.

(3) That Western Truck Lines, Ltd., 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 the certificate of public convenience and necessity acquired by applicant Jacob N. Rau, pursuant to Decision No. 31192, and herein authorized to be transferred, shall be and it hereby is modified by striking therefrom any and all limitations relating to the weight of any shipment or shipments that may be transported thereunder; and that hereafter traffic may be transported pursuant to said certificate without regard to the weight of any shipment or shipments.

(5) That in respect to the transfer of said operative right, pursuant to the authority herein granted, and in the operation of a highway common carrier service thereunder by said Western Truck Lines, Ltd., 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, withdrawal and adoption notices as required by said General Order, or in a form satisfactory to the Commission.
- (b) Applicants shall severally 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 one (1) day's notice to the Commission.
- (c) Applicant Western Truck Lines, Ltd. shall conduct said highway common carrier service over and along the following route, subject to the authority of the Commission to change or modify it at any time by further order, viz.:

From Lone Pine via State Highway No. 190 through Keeler to the junction of said highway with an unnumbered county highway leading to Darwin, situated at a point approximately 34 miles distant from Lone Pine; thence via said unnumbered county highway to Darwin, a distance of approximately 6 miles; thence returning via the same route.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 4th day of August, 1942.

Justus F. Casper
Carl R. Price
M. H. [unclear]
Francis C. Havens
Richard [unclear]
COMMISSIONERS