

Decision No. 35797

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 S. W. CORLETT, to sell and J. L. COUTTS)
 and B. A. WHITE, to purchase an auto-)
 mobile freight line operating between)
 the city of Sacramento and the county) Application No. 25217
 of Lake, state of California, and)
 intermediate points, as set forth in)
 Decision Nos. 33998 and 34324.)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

By the above-entitled joint application S. W. Corlett requests authority to sell, and J. L. Coutts and B. A. White seek permission to purchase, the highway common carrier operative rights between Sacramento and certain Lake County points including Lakeport, created by Decision No. 33998, in Application No. 23240.

The operative rights under consideration were granted originally to Ernest Sundberg by said Decision No. 33998. Subsequently Corlett acquired such rights by Decision No. 34324, in Application No. 24289, issued June 23, 1941. Corlett has operated pursuant thereto continuously from that date to the present time. Attached to the application and made a part thereof is a statement showing the gross receipts from operations for the fiscal year commencing August 1, 1941 and ending July 31, 1942.

It is alleged in the application that J. L. Coutts has been engaged in the transportation of property by motor vehicle in Lakeport and vicinity for the past several years. It is asserted also that B. A. White is experienced in the operation of motor trucks. The application avers that Coutts and White are qualified financially and through experience to conduct the service in question.

Applicants have executed an agreement of purchase and sale, a copy of which is attached to the application marked Exhibit "A" and made a part thereof. The consideration to be paid for the property proposed to be transferred is the sum of \$500.

This does not appear to be a matter necessitating public hearing. The application will be granted.

O R D E R

After full consideration of the application and the evidence pertaining thereto, the Commission being of the opinion and now finding that public convenience and necessity so require:

IT IS ORDERED as follows:

(1) That S. W. Corlett is authorized to sell and transfer the highway common carrier operative rights between Sacramento and Lake County points created by Decision No. 33998, in Application No. 23240, which he acquired by Decision No. 34324, in Application No. 24289, to J. L. Coutts and B. A. White; and the two last named persons are authorized to purchase and acquire said operative rights and to conduct highway common carrier service pursuant thereto.

(2) That S. W. Corlett, J. L. Coutts and B. A. White shall within thirty (30) days from the date hereof unite in common supplement to the tariffs on file with the Commission pertaining to the service rendered pursuant to the operative rights herein authorized to be transferred, S. W. Corlett withdrawing and J. L. Coutts and B. A. White accepting, adopting and establishing such tariffs and all effective supplements thereto.

(3) That S. W. Corlett shall within thirty (30) days from the date hereof withdraw all time schedules filed in his name with

the Commission pertaining to the service rendered pursuant to the operative rights herein authorized to be transferred and J. L. Coutts and B. A. White shall within thirty (30) days from the date hereof file, in triplicate, in their names time schedules identical with those established by Corlett or satisfactory to this Commission.

(4) That the authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act, and further to the condition that J. L. Coutts and B. A. White, their successors or assigns, shall never claim before this Commission or any court or any other public body, a value for said operating rights, or claim as the cost thereof, an amount in excess of that paid for said rights by those to whom said rights were originally granted.

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

Dated at San Francisco, California, this _____ day of September, 1942.

Justice J. Coe
W. B. Kelly
Francis D. Havens
Richard L. ...
COMMISSIONERS