

ORIGINAL

Decision No. 36084

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
E. W. RAE and LILLIAN M. RAE for an)
order of the Railroad Commission of)
the State of California authorizing)
them to sell and transfer to HARRY W.)
RAE and LILLIAN EILEEN RAE all their)
right, title and interest in and to)
the operating rights, property and)
business of Bisher Truck Line)
described in this application.)

Application No. 25367

BY THE COMMISSION:

O P I N I O N

This is an application by E. W. Rae and Lillian M. Rae for an order of the Commission authorizing them to sell and transfer to Harry W. Rae and Lillian Eileen Rae all of their right, title and interest in and to the operating rights, property and business of Bisher Truck Line.

E. W. Rae and Lillian M. Rae now own an undivided two-thirds interest and Harry W. Rae an undivided one-third interest, as copartners, in Bisher Truck Line, a common carrier of property between San Diego and Ramona and certain intermediate points. A certificate for this operation was granted in our Decision No. 34706, dated October 28, 1941, in Application No. 24440. Bisher Truck Line operates four trucks and two semi-trailers, and owns miscellaneous office and warehouse furniture and fixtures.

In this application, E. W. Rae and Lillian M. Rae request authority to sell and transfer the certificate hereinabove referred to, together with the entire business of Bisher Truck Line, to Harry W. Rae and Lillian Eileen Rae, in accordance with

an agreement entered into between said E. W. Rae and Lillian M. Rae, on the one hand, and Harry W. Rae and Lillian Eileen Rae, on the other hand, copy of which agreement is attached to the application.

By the terms of said agreement, the buyers, Harry W. Rae and Lillian Eileen Rae, agree to assume all indebtedness of Bisher Truck Line. It is further agreed between the parties that each of said buyers is to acquire an undivided one-half interest in said business, ~~as provided in the agreement.~~

NGM

We are of the opinion that the transaction hereinabove described is in the public interest and that the application should be granted. There appears to be no necessity for a public hearing.

ORDER

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

IT IS ORDERED:

1. That E. W. Rae and Lillian M. Rae are authorized to sell and transfer to Harry W. Rae and Lillian Eileen Rae, as copartners, all of their right, title and interest in and to the operating right, property and business of Bisher Truck Line acquired by them in Decision No. 34706.

2. That Harry W. Rae and Lillian Eileen Rae, as such copartners, are authorized to acquire the operative right,

property and business referred to in the first ordering paragraph hereof and conduct a highway common carrier service commensurate with said right.

3. That Harry W. Rae and Lillian Eileen Rae shall file in their own name, as such copartners, in triplicate, within sixty (60) days from the effective date of this order and on not less than one (1) day's notice, a tariff in compliance with General Order No. 80 naming rates, rules and regulations identical with those contained in the tariffs of Bisher Truck Line, but not lower in volume and effect than the rates, rules and regulations established as a minimum by the Commission.

4. That Harry W. Rae and Lillian Eileen Rae comply with Part IV of General Order No. 93-A by filing, in triplicate, time schedules satisfactory to the Commission, within sixty (60) days from the effective date hereof, and on not less than one (1) day's notice to the Commission and the public.

5. 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 Harry W. Rae and Lillian Eileen Rae, their successors and assigns, shall never claim before this Commission or any court or other public body, a value for said operative right, or claim as a cost thereof, an amount in excess of that paid for said right by those to whom said right was originally granted.

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

Dated at San Francisco, California, this 29th day of December, 1942.

Justus F. Culver
J. C. Riley
W. H. [unclear]
Francis K. Havlun
Richard [unclear]
 COMMISSIONERS