

Decision No. 36522

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EDWARD)
 BAHLER, doing business as THE BAHLER)
 TRANSPORTATION, INC., 290 S. "G" Street,)
 San Bernardino, California, to sell and)
 L. R. MEEKS, doing business as L. R. MEEKS)
 RELIABLE TRANSPORTATION, Route #3, West)
 6th Street, Ontario, California, to purchase) Application No. 25382
 an automobile freight line operated between)
 San Bernardino, Riverside, Colton, Yucaipa,)
 Upland, Arlington, Pedley and Los Angeles,)
 Pasadena and El Monte, California.)

BY THE COMMISSION:

O P I N I O N

By the application in this proceeding Edward Bahler, an individual assertedly doing business as The Bahler Transportation, Inc., seeks authority to transfer to L. R. Meeks, an individual doing business as L.R. Meeks Reliable Transportation, and the latter proposes to acquire from the former, an operative right as a highway common carrier under which applicant Bahler assertedly was authorized to engage in the transportation of freight between San Bernardino, Riverside, Colton, Yucaipa, Upland, Arlington, Pedley and Los Angeles, Pasadena and El Monte. It is alleged that Bahler had agreed to sell to Meeks, and the latter had undertaken to purchase, the operative right described together with the equipment used in conducting the business, pursuant to the terms of an agreement which they had executed. Allegedly a copy of the agreement accompanied the application as an exhibit, but the file discloses that no copy of this instrument was ever submitted.

Since applicant Bahler is not in fact the owner of the operative right sought to be transferred, he has no standing to

assume the status of, or to be considered as, the proposed vendor. As stated in the application, the certificate creating this operative right was granted to Bahler by Decision No. 23290.⁽¹⁾ Subsequently, by Decision No. 28226, rendered September 16, 1935, in Application No. 20129, Bahler was authorized to transfer this operative right to Bahler Transportation, Inc., a corporation, which subsequently filed tariffs and time schedules in its name. According to our records, it is still the owner of this operation.

The certificate in question permitted the transportation of milk, cream and dairy products outbound, and the back-haul of dairy supplies and empty containers to dairymen shippers using the service. It did not extend to the transportation of general commodities, as would appear from the present application. Under this certificate, the operation described could be conducted between Los Angeles, Pasadena, El Monte and San Bernardino, on the one hand, and Riverside, Colton, San Bernardino, Redlands, Yucaipa, Upland, Arlington, Pedley, Devore, Highland and intermediate points, on the other hand, serving only the dairies situated along certain defined routes and within certain zones bordering these routes.

Our records disclose that applicant Bahler has ignored communications received from the Commission directing attention to his improper joinder as an applicant, and to the failure to join Bahler Transportation, Inc. as an applicant. He failed to respond to two of the Commission's letters, he answered the third letter but ignored the Commission's answer to that letter, written May 3, 1943.

(1) This operative right was granted to Edward Bahler by Decision No. 23290, rendered January 19, 1931, in Application No. 16692. By this decision certain operative rights previously granted to Bahler were consolidated and an in lieu certificate was issued.

which suggested the proper steps to be taken. In view of the facts related it would seem appropriate that the application be dismissed, and such accordingly will be the order.

O R D E R

Application having been made as above entitled, and good cause appearing,

IT IS ORDERED that the above entitled application be, and it hereby is dismissed.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27th day of July, 1943.

Frank S. Adams
H. B. M.

Edward L. Laska
Anna Dwyer
COMMISSIONERS