

Decision No. 37686

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
DALE C. RAMSEY doing business as )  
VALLEY TRUCK CO. to sell and A. R. )  
READER and PHIL F. READER doing )  
business as IMPERIAL VALLEY TRUCK CO. )  
to purchase an automobile freight )  
line from Imperial Valley points to )  
Los Angeles, California, and a certain )  
proposed extension thereof, as )  
described in First Amended Application )  
No. 24211. )

ORIGINAL

Application No. 26456

F. W. TURCOTTE, for applicants.

E. L. H. BISSINGER, for Southern Pacific Company  
and Pacific Motor Trucking Company, protestants.

HUGH GORDON, for Pacific Freight Lines and Pacific  
Freight Lines Express, protestants.

H. P. MERRY, for Southern California Freight Lines  
and Southern California Freight Forwarders,  
protestants.

HAROLD W. NASH, for Atlas Truck Lines, interested  
party.

BY THE COMMISSION:

O P I N I O N

By their application in this proceeding, filed November 16, 1944, Dale C. Ramsey, doing business as Valley Truck Co., seeks authority to transfer to A. R. Reader and Phil F. Reader, doing business as Imperial Valley Truck Co., and the latter propose to acquire from the former, certain highway common carrier operative rights including one then held by Ramsey and others which he had sought to obtain under an application then pending. Ramsey's existing operative right comprehended the transportation of fresh fruits and vegetables and other agricultural products during the season extending from approximately November 1 of each year to approximately

August 1 of the succeeding year, from El Centro, Niland, Westmoreland, and areas within a fifteen-mile radius of each of these points, to Los Angeles. This operation was acquired by Ramsey from Charles B. Lee, doing business as Farmers Trucking Service, pursuant to Decision No. 32783, rendered February 6, 1940, in Application No. 23099.

Under the agreement between the parties, the purchase of the existing operative right was conditioned upon the acquisition and transfer of the operative rights sought by Ramsey in Application No. 24211, which contemplated the establishment of a comprehensive operation between Los Angeles and Imperial Valley points. The agreed price was \$30,000, payable \$5,000 in escrow on November 14, 1944, and the remaining \$25,000 whenever the Commission should grant the certificate sought in Application No. 24211.

On January 8, 1945, applicants filed with the Commission a withdrawal of the pending application and a request for its dismissal. In the meantime, the matter had been set for hearing before Commissioner Craemer and Examiner Austin at Los Angeles on January 17, 1945, in conjunction with the hearing in Application No. 24211, pursuant to the order reopening that proceeding. When the instant application was called for hearing, counsel for applicants moved that it be dismissed, in accordance with the dismissal previously filed. No objection was voiced by counsel for the parties who had appeared. The application, therefore, will be dismissed.

ORDER

Application having been made as above entitled; applicants

having moved the dismissal of said proceeding; and the Commission now being fully advised,

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

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

Dated at San Francisco California, this 27<sup>th</sup> day of February, 1945.

Harold Ordman  
Justus J. Carrigan  
Richard Jackson

James H. Lawrence  
COMMISSIONERS