

ORIGINAL

Decision No. ~~20423~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SARAH ADDLESTONE, executrix of the last will and testament of Fred Addlestone, also known as F. Addlestone, deceased, doing business under the fictitious name and style of Merchants Parcel Delivery, for an order of the Commission decreeing that the applicant possesses and may exercise an operative right as a freight forwarder for transportation of property from retail merchants in the City and County of San Francisco, State of California, to their customers in Alameda, Albany, Berkeley, El Cerrito, Emeryville, Hayward, Oakland, Piedmont, Richmond, Richmond Annex, San Pablo, San Leandro, Mt. Eden and all points within the territory comprehending Burlingame, Colma, Daly City, Los Altos, Menlo Park, Mountain View, Palo Alto, Redwood City, San Jose, Santa Clara, Sunnyvale, Woodside and all intermediate points.

Application No. 21857

In the Matter of the Application of V. FRED JAKOBSEN, an individual, doing business under the firm name and style of SPECIAL DELIVERY SERVICE CO., (to sell, and ARNOLD ADDELSTONE, an individual, to purchase an automotive freight line (parcel delivery service) operated between San Leandro, Alameda, Oakland, Piedmont, Emeryville, Berkeley, Albany and El Cerrito, and intermediate points.

Application No. 22251

OPINION AND ORDER

By these applications Merchants Parcel Delivery, a corporation, seeks revocation of certain operative rights it possesses as an express corporation and as a highway common carrier, and cancellation of its tariffs on file with the Commission naming rates for these services.

1. Applicant's express right is a prescriptive right acquired from a previous owner under authority of Decision No. 31792 of February 27, 1939 in Application No. 22523. Its highway common carrier right, which was similarly acquired pursuant to Decision No. 31636 of January 9, 1939, in Application No. 22451, was established by Decision No. 28246 of September 30, 1935, in Application No. 19884.

The highway common carrier right involves the transportation of property between Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, San Leandro and intermediate points. The express right covers the transportation of packages sold at retail from points in San Francisco to points in the East Bay and Peninsula areas. The verified applications show that there has been no demand for either of applicant's services for some time and that for this reason applicant is not now engaged in the transportation of property under these rights. It is pointed out that there are other transportation agencies serving the points here involved.

It appears that this is a matter in which a public hearing is not necessary and that public convenience and necessity will not be adversely affected by the revocation of the operative rights in issue. The applications will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Merchants Parcel Delivery's operative rights as an express corporation and as a highway common carrier which are involved in the above entitled applications, be and they are hereby revoked; and that its tariffs on file with the Commission naming rates, rules and regulations for said services be and they are hereby canceled.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 24th day of September, 1946.

Harold Kule
Justin F. Galloway
W. H. Powell
R. E. Johnson
Commissioners