

ORIGINAL

Decision No. 40699

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Eli Schumacher and Lorraine Temps to)	
sell, and Eli Schumacher and H. N.)	Application No. 23328
Bennett to purchase an automobile)	1st Supplemental
freight line operated between San)	
Francisco and Oakland, California.)	

ORDER REVOKING OPERATIVE RIGHT

Eli Schumacher and H. N. Bennett, partners, doing
 (1)
 business as City Transfer and Storage Co., acquired an operative
 right pursuant to Decision No. 33249 (rendered herein June 25, 1940),
 under which they were authorized to engage in the transportation
 of certain commodities, as a highway common carrier, between San
 (2)
 Francisco, Oakland and other East Bay points. Originally, this
 right arose under the "grandfather" clause of the Auto Truck
 Transportation Act (Stats. 1917, Ch. 213, as amended). In addition,
 they operated under radial highway common carrier and city carrier
 permits, issued by the Commission. During December 1946, Schumacher
 and Bennett sold their transportation business to others, cancelled
 the radial and city carrier permits mentioned, and thereupon
 discontinued the operation of the highway common carrier service

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- (1) As shown by certain agreements between the interested parties, including the Articles of Co-Partnership, the business was conducted under the firm name of City Transfer and Storage Co. However, the filed tariffs, from the outset, have designated the firm name as City Transfer Company.
 - (2) According to the tariff initially filed, which defined the extent of the carrier's undertaking, the service was limited to the transportation of furniture, trunks, theatrical property and personal effects between San Francisco, Oakland, Berkeley, Alameda, Piedmont and Emeryville.

described. They now seek a revocation of the right to conduct the latter service. Their request will be granted, and an order will be entered accordingly. This is not a matter requiring a public hearing.

Good cause appearing,

IT IS ORDERED that the operative right acquired by Eli Schumacher and H. M. Bennett, pursuant to Decision No. 33249, under which they were authorized to operate between San Francisco, Oakland, Berkeley, Alameda, Piedmont and Emeryville as a highway common carrier, as defined by Section 2-3/4 of the Public Utilities Act, be and it hereby is revoked and annulled; and that any and all tariffs and time tables heretofore filed by said Eli Schumacher and H. M. Bennett pursuant to such operation, and now in effect, be and they are, and each of them is, hereby cancelled.

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

Dated at Los Angeles, California, this 10th
day of September, 1947.

Harold P. Kule
Justus F. DeWitt
J. H. [unclear]
A. T. [unclear]

COMMISSIONERS