

28311

Decision No. 20041

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of R. E. ANDERSON, doing business in copartnership with A. Nystrom, under the name and style of Napa Transportation & Navigation Company, and GAIL E. STATER, for an order authorizing the sale of the vessel NEPTUNE and of part interest in the vessel THEODORE ROOSEVELT and in the transportation business of Napa Transportation & Navigation Company. )

ORIGINAL

Application No. 20100

McCutchen, Olney, Mannon and Greene, by F.W.Mielke,  
for applicants.  
J. Richard Townsend, for A. Nystrom.

BY THE COMMISSION:

O P I N I O N

In this proceeding R. E. Anderson who, in co-partnership with A. Nystrom, is engaged in the transportation of freight by water under the name and style of Napa Transportation & Navigation Company, asks permission to sell to Gail E. Stater for \$6,000.00 the vessel NEPTUNE, a fifty-one hundredths (51/100) part of the vessel THEODORE ROOSEVELT and a one-half interest in the transportation business and operative rights of said Napa Transportation & Navigation Company.

It is of record that as soon as possible after the transfer of said properties, Gail E. Stater and A. Nystrom will, after obtaining the authority of the Railroad Commission, transfer to a partnership composed of N. Fay, Norvin Fay, John C. Stone, Gail E. Stater and A. Nystrom the business, property, franchises and operative rights of said Napa Transportation & Navigation Company and their respective interests therein, and Gail E. Stater will transfer to said partnership said vessel NEPTUNE and all his interest in said vessel THEODORE ROOSEVELT, and A. Nystrom will transfer to said

partnership the vessel CITY OF NAPA and all of his interest in said vessel THEODORE ROOSEVELT. Pending the formation of the new partnership the operations and business of the Napa Transportation & Navigation Company shall be conducted by Gail E. Stater and A. Nystrom in the same manner in which the operations and business of said company are presently conducted by R.E.Anderson and A. Nystrom.

For 1934 the gross revenue of the Napa Transportation & Navigation Company is reported at \$27,866.22. Exhibit three shows that against this revenue the partnership charged \$4,401.14 for office expenses and \$506.69 on account of the operation of the THEODORE ROOSEVELT or a total of \$4,907.83. The difference between the \$27,866.22 and the \$4,907.83, namely \$22,958.39 was divided equally between the two partners. R. E. Anderson paid the cost of operating the NEPTUNE which he owned, and A. Nystrom paid the cost of operating the CITY OF NAPA, which he owned.

No one appeared at the hearing to protest the granting of this application.

#### O R D E R

R. E. Anderson having asked permission to sell to Gail E. Stater the properties referred to in the opinion which precedes this order, a public hearing having been held before Examiner Fankhauser and the Commission being of the opinion that this application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED that R. E. Anderson be, and he is hereby, authorized to sell, on or before December 31, 1935, to Gail E. Stater for \$6,000.00 the motorship NEPTUNE, all of his right, title and interest in the motorship THEODORE ROOSEVELT, together with all of his right, title and interest in that certain transportation

business in which said motorships are now engaged, said business being conducted under the name and style of Napa Transportation & Navigation Company, including his interest in all franchise rights and certificates of public convenience and necessity under which said business is being conducted, all of said properties to be transferred subject to the terms and conditions of the option agreement filed in this proceeding as Exhibit "A" and the bill of sale filed in this proceeding as Exhibit "D".

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following conditions:-

- (a) The consideration being paid for the aforesaid properties by Gail E. Stater shall not be construed as a determination of the value of said properties for any purpose other than for the purpose of the sale herein authorized.
- (b) The sale of an interest in the aforesaid certificate of public convenience and necessity shall not be held to constitute a transfer of the certificate of public convenience and necessity under which said Napa Transportation & Navigation Company is conducting its business, or be regarded as establishing a new right to operate vessels on the inland waters of the State of California.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 31<sup>st</sup> day of October, 1935.

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*M. B. Kerins*  
*John A. Kern*  
*John A. Kern*  
Commissioners.