

Decision No. 33475

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of H. Frasher, an individual, and )  
Frasher Truck Co., a corporation, )  
to sell and Valley Motor Lines, )  
Inc., a corporation, to purchase )  
certain highway common carrier )  
freight lines operated between )  
points in California, and to issue )  
capital stock in payment therefor. )

ORIGINAL

Application No. 23816

BY THE COMMISSION:

SUPPLEMENTAL OPINION

In this matter applicants H. Frasher, Frasher Truck Co. and Valley Motor Lines, Inc., by their supplemental application request a modification of Decision No. 33749 rendered in this proceeding December 31, 1940. Particularly, they seek an extension of the effective date and the time within which certain steps therein authorized may be taken.

By Decision No. 33749, H. Frasher and Frasher Truck Co. were authorized respectively to transfer to Valley Motor Lines, Inc. certain operative rights as highway common carriers and certain physical properties, and the latter was authorized to issue to the former in exchange for such operative rights and properties shares of its capital stock in designated amounts. The authority granted by the decision would become effective concurrently with similar authority, emanating from the Interstate Commerce Commission, sanctioning the transfer of the corresponding interstate operative rights. The order, however, expressly provided that the transfer and the stock issue should be consummated on or before June 30, 1941.

From the supplemental application it appears that on August 2, 1941 the Interstate Commerce Commission authorized this transfer. Its order, however, also included certain operative rights, not involved here, over which Valley Motor Lines, Inc. had been operating under a temporary lease, approved by the Interstate Commerce Commission, extending for a term of 180 days, the maximum period for which that Commission may grant temporary authority. To avoid a reconveyance, with its consequent confusion, it is essential and the Interstate Commerce Commission has in fact suggested, so applicants allege, that the transfer be consummated before August 11, 1941, when the temporary authority will expire. This would apply to all the operative rights embraced within the order of that Commission, including those corresponding to the intra-state operations involved in this proceeding. Applicants accordingly request that our order herein be modified by extending until August 11th next, the time for observance of its provisions and the filing of tariffs and time schedules, thus obviating the necessity, which otherwise might arise, for unnecessary duplication in the publication of the tariffs. This request is meritorious and the application, accordingly, will be granted. No public hearing is necessary.

#### O R D E R

Application having been made for modification of the decision previously rendered herein, and the Commission being now fully advised:

IT IS ORDERED that Decision No. 33749, made and rendered in the above-entitled proceeding December ~~21~~<sup>21</sup> 1940, be and it ITEM hereby is modified and amended in the following respects:

(a) That the date of August 11, 1941 be and it hereby is substituted for that of June 30, 1941 where the latter appears in the two ordering paragraphs, and in each of them, set forth on Page 4 of the mimeographed decision.

(b) That the tariff supplement referred to in and authorized by Condition 2, appearing on Page 5 of the mimeographed decision, by which the withdrawal and acceptance of rates would be effected may be published and filed with the Commission and made effective upon not less than one (1) day's notice to the public and to the Commission.

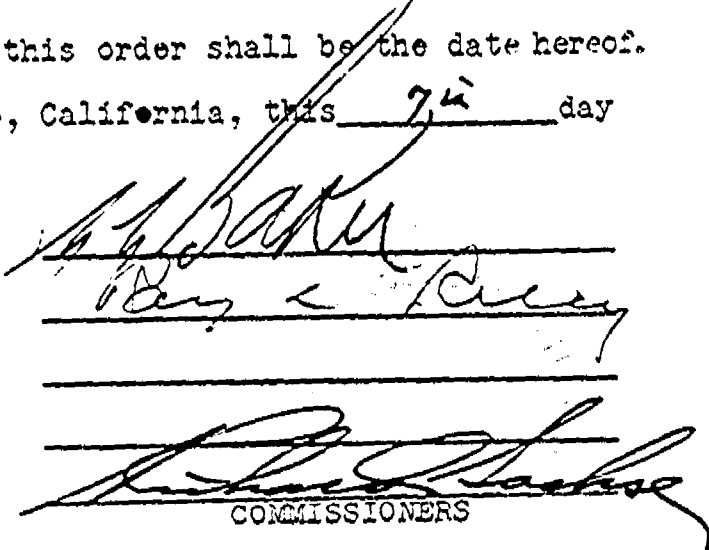
(c) That the withdrawal of time schedules and the filing of new time schedules, referred to in and authorized by Condition 3 appearing on Page 5 of the mimeographed decision, may be accomplished upon not less than one (1) day's notice to the Commission.

(d) That said decision and the authority therein granted shall become effective upon the date of this order.

IT IS FURTHER ORDERED that said Decision No. 33749, as modified herein, be and it hereby is reinstated and adopted as the decision of the Commission in the above-entitled proceeding; and that in all respects said decision, as herein modified, shall be and remain in full force and effect.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of August, 1941.

  
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COMMISSIONERS