

Decision No. 35974

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific)	
Transfer Van and Truck Co. (a corporation))	
to sell, and A. A. Nosler, A. E. Nosler,)	
H. W. Nosler and A. M. Nosler, co-partners)	Application
doing business as Pacific Transfer Van and)	No. 25275
Truck Co. to purchase, an automotive freight)	
line operated between San Diego and Coronado)	
and North Island, California.)	

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In this proceeding Pacific Transfer Van and Truck Co., a corporation, seeks authority to transfer to Alva A. Nosler, Alice E. Nosler, H. W. Nosler and Arthur M. Nosler, co-partners, ⁽¹⁾ doing business as Pacific Transfer Van and Truck Co., and the latter seek permission to acquire from the former, an operative right as a highway common carrier together with the equipment used in conducting the service. This operative right, which authorizes the transportation of property between San Diego and Coronado Beach, including North Island and Rockwell Field, was granted by Decision No. 17468, rendered October 13, 1926, in Application No. 12058.

Applicant Pacific Transfer Van and Truck Co. has initiated ⁽²⁾ proceedings under the Civil Code to wind up and dissolve and to

(1) Although the stockholders of Pacific Transfer Van and Truck Co. (a corporation), to whom its assets are to be transferred, are named in the application as A. A. Nosler, A. E. Nosler, H. W. Nosler and A. M. Nosler, information submitted to the Commission discloses that their true names are those set forth above. This corporation was owned by the Nosler family, the stockholders being, in the order hereinabove mentioned, husband, wife and two sons.

(2) Proceedings to dissolve the corporation were commenced June 11, 1942, under Civil Code Section 399 et seq.

terminate its corporate existence. To accomplish this step it proposes to convey to its four stockholders, named above, its property and assets, including the operative right described, the equipment used in conducting the service, and the transfer and storage business in which it has been engaged. The corporate assets would be transferred to the stockholders ratably in proportion to their holdings of the outstanding stock, and they in turn would assume and guarantee the payment of the outstanding debts and liabilities of the corporation. Pursuant to an understanding reached between the members of the firm, each would own an undivided one-fourth interest in the partnership business.

This transfer would accomplish no substantial change in the interests which now control the transportation business affected, since the transferees comprise the stockholders who dominate the affairs of the corporation. These stockholders, it appears, are financially able to provide an adequate service to the public. The application will, therefore, be granted. No public hearing appears to be necessary.

O R D E R

Application having been made as above-entitled; and the Commission now finding that public convenience and necessity so require:

IT IS ORDERED as follows:

(1) That Pacific Transfer Van and Truck Company, a corporation, be and it hereby is authorized to transfer to Alva A.

(3) It is reported that the shares of outstanding capital stock are distributed among the stockholders as follows: Alva A. Nosler, 325 shares; Alice E. Nosler, 110 shares; E. W. Nosler, 10 shares; Arthur M. Nosler, 10 shares; total 455 shares.

Nosler, Alice E. Nosler, H. W. Nosler and Arthur M. Nosler, co-partners, doing business as Pacific Transfer Van and Truck Co., that certain operative right (as a highway common carrier as defined by section 2-3/4, Public Utilities Act) acquired by said Pacific Transfer Van and Truck Co., pursuant to Decision No. 17462, rendered October 13, 1926, in Application No. 12058, together with the property and equipment used in conducting said service.

(2) That said Alva A. Nosler, Alice E. Nosler, H. W. Nosler and Arthur M. Nosler, co-partners, doing business as Pacific Transfer Van and Truck Co., be and they hereby are authorized to acquire from said Pacific Transfer Van and Truck Co., a corporation, the operative right and the property and equipment described in paragraph (1) hereof, and thereafter to operate pursuant to said operative right.

The authority herein granted is subject to the following condition:

The authority herein granted is subject to the provisions of section 52(b), Public Utilities Act, and further to the condition that Alva A. Nosler, Alice E. Nosler, H. W. Nosler and Arthur M. Nosler, their successors or assigns, shall never claim before this Commission or any court or other public body, a value for said operative right, or claim as the cost thereof, an amount in excess of that paid for said right by those to whom said right was originally granted.

(3) That in connection with the transfer of said operative right pursuant to the authority herein granted, and in the operation by said Alva A. Nosler, Alice E. Nosler, H. W. Nosler and Arthur M. Nosler of a highway common carrier service thereunder, the applicants herein shall severally comply with and observe the following service regulations:

1. Applicants shall severally comply with General Order No. 80 by filing, in triplicate, within sixty (60) days from the effective date of this order, and concurrently making effective, tariffs satisfactory to the Commission, on not less than five (5) days' notice to the Commission.

