

Decision No. 37827

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of VALLEY AND COAST TRANSIT COMPANY, a corporation, to transfer its highway common carrier operative rights, auto-motive equipment and other property, to CALIFORNIA MOTOR TRANSPORT CO., LTD., a corporation, and of CALIFORNIA MOTOR TRANSPORT CO., LTD., to remove limitation upon its highway common carrier certificates.

ORIGINAL

) Application No. 24371
) First Supplemental

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

By Decision No. 37472, rendered November 9, 1944, in this proceeding, Valley and Coast Transit Company was authorized to transfer to California Motor Transport Co., Ltd., on or before December 31, 1944, certain highway common carrier operative rights and tangible operating property. The order, which became effective twenty days after date, was suspended by a petition for rehearing filed November 18, 1944 by certain protestants. By Decision No. 37741, dated March 20, 1945, this petition was denied without changing the date of December 31, 1944, prescribed by Decision No. 37472. Thus, the authority granted to applicants by Decision No. 37472 was suspended beyond December 31, 1944, a date which marked the end of the period within which the transfer could be consummated.

By their petition filed April 6, 1945 applicants Valley and Coast Transit Company and California Motor Transport Co., Ltd., request that the period within which such authority may be exercised be extended until May 31, 1945, the expiration date of

similar authority granted to applicants by the Interstate Commerce Commission. Within this period, applicants assert, the transfer can be completed.

Through inadvertence, it appears, the period within which applicants could exercise the authority originally granted was permitted to expire. The objections voiced by protestants to our decision having been overruled, the latter should be modified so as to afford applicants a reasonable opportunity to perfect the transfer. Accordingly, applicants' request will be granted.

FIRST SUPPLEMENTAL ORDER

Application having been made for the modification of the decision originally rendered herein, and good cause appearing,

IT IS ORDERED as follows:

(1) That the time within which the transfer of the highway common carrier operative rights and tangible operating property by Valley and Coast Transit Company to California Motor Transport Co., Ltd., authorized by Decision No. 37472, rendered herein November 9, 1944, be and it hereby is extended from December 31, 1944 until and including May 31, 1945; and that Decision No. 37472 is hereby modified and amended accordingly.

(2) That in all other respects Decision No. 37472 shall remain in full force and effect.

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

Dated at San Francisco, California, this 24th day of April, 1945.

Harold Rudman
Justin F. Cooper
Richard K. Baker
Edward C. Brown
Miss Powell
COMMISSIONERS