

ORIGINAL

Decision No. 41390

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Henry J. Colberg, an individual, doing)
 business under the firm name of)
 Colberg Motor Boats,)
)
 and)
)
 Colberg Transportation Co., a Calif-)
 ornia corporation, to sell and purchase)
 certain vessel operative rights and)
 equipment in consideration of capital)
 stock.)
 -----)

Application
No. 29154

OPINION AND ORDER

In this proceeding, the Public Utilities Commission is asked to make an order authorizing Henry J. Colberg to transfer certain operative rights and properties to Colberg Transportation Co., a corporation, and authorizing said corporation to issue 50 shares of its capital stock of the par value of \$100 each, in exchange for such rights and properties.

Henry J. Colberg, doing business under the firm name of Colberg Motor Boats, is engaged in operating vessels for the transportation of passengers and property between Stockton and certain delta inland points tributary to the San Joaquin River. The application shows that the operations formerly were conducted by William C. Colberg and Henry J. Colberg, as partners; that William C. Colberg died on September 22, 1947; and that Henry J. Colberg with the approval of the Superior Court in and for the County of San Joaquin, acquired the interest of the deceased

partner as of February 5, 1948. The revenues from the operation of the business were reported at \$19,418 in 1946 and at \$21,598 in 1947, with net profit of \$3,907 in 1946 and \$1,733 in 1947.

It appears that Henry J. Colberg desires to incorporate his business and to that end has caused the organization, on or about February 6, 1948, of Colberg Transportation Co. to take over the properties and to continue the operations. The properties to be thus transferred are listed in Exhibits "A" and "C" and include prescriptive operative rights which are set forth and described in Decision No. 28283, dated October 14, 1935, and Decision No. 29778, dated May 24, 1937, certificate of public convenience and necessity granted by the Interstate Commerce Commission, two motor vessels, three units of automotive equipment and office and miscellaneous furniture and equipment. The actual cost of the physical property is reported at \$27,587.99 and the present book value at \$5,000. The new corporation proposes to issue 50 shares of stock of the aggregate par value of \$5,000 in exchange for the rights and properties.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary, that Henry J. Colberg has succeeded to the partnership interest of William C. Colberg in the Colberg Motor Boats, that the requests of applicants should be granted, as provided herein, and that the money, property or labor to be procured or paid for by Colberg Transportation Co. through the issue of \$5,000 of stock is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED as follows:

1. Henry J. Colberg, after the effective date hereof and on or before July 31, 1948, may sell and transfer to Colberg Transportation Co. the operative rights and properties referred to in the preceding opinion, and Colberg Transportation Co. may acquire and operate the same, and in payment issue not exceeding fifty (50) shares of its capital stock.

2. Colberg Transportation Co. and Henry J. Colberg, immediately upon the transfer of said rights and properties and on not less than one (1) day's notice to the Commission and to the public, shall supplement or reissue the tariff on file with the Commission insofar as it names rates, rules and regulations covering the common carrier operations now conducted by Henry J. Colberg and formerly conducted by William C. Colberg and Henry J. Colberg, as partners, to show that said Henry J. Colberg has withdrawn or canceled and Colberg Transportation Co. concurrently has adopted or established as its own, said rates, rules and regulations. The tariff filing made pursuant to this order in all respects shall comply with the Commission's Tariff Circular No. 2.

3. Within thirty (30) days after the transfer of said rights and properties, Colberg Transportation Co. shall file with the Commission a copy of the deed or other instrument of conveyance under which it has acquired and holds title to such rights and properties.

4. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

5. The authority herein granted will become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 30th day of March, 1948.

A. J. ...
Justus J. ...
... ..
Harold ...
... ..
Commissioners

