

Decision No. 41595

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PIONEER EXPRESS COMPANY, a corporation,))	
to sell, and HIGHWAY TRANSPORT, INC., a)	Application No. 29277
corporation, to purchase an automotive)	
freight line.)	

O P I N I O N

In this application the Commission is requested to authorize Pioneer Express Company to sell and transfer to Highway Transport, Inc., and the latter requests authority to purchase from the former a highway common carrier operative right authorizing the transportation of property between San Jose, Saratoga, Campbell and Los Gatos. The operative right involved was created by Decision (1) No. 7526 in Application No. 5491. Decision No. 18756 in Application No. 14006 authorized Pioneer Express Company to acquire this right from H. O. Crymble. Thereafter Pioneer Express Company was authorized by Decision No. 27746 in Application No. 19810 to sell this right to J. A. Henard and H. H. Henard. Subsequently, Pioneer Express reacquired said operative right from J. A. Henard and H. H. Henard pursuant to the authority of the Commission's Decision No. 30856 in Application No. 21922.

By the terms of an agreement attached to the application as Exhibit "A", the buyer agrees to pay to the seller the sum of

(1) The certificate granted by Decision No. 7526 was as follows:

"IT IS HEREBY DECLARED, that public convenience and necessity require the establishment of an automobile freight service between San Jose and Los Gatos and that a certificate of public convenience and necessity should be issued and the same hereby is issued,...."

\$2,500 in cash for the operative right within 15 days after the receipt of authority from the Public Utilities Commission and the Interstate Commerce Commission.

Highway Transport, Inc. is presently providing a highway common carrier service between San Francisco, San Jose, Los Gatos and other points and is in a position to perform service with its present facilities under the operative right proposed to be acquired.

Pioneer Express Company asserts that there has been no cessation of operation between the points involved and reports gross operating revenues for the months of April, May, July and October, 1947 as \$1,721.57, \$1,709.13, \$1,453.17 and \$1,760.49, respectively. Similar revenues for typical weeks of January, February, March and April, 1948, are stated to have been \$281.26, \$290.48, \$150.89 and \$177.55, respectively. There is no proposal to charge rates different from those presently in effect.

After full consideration we find that the public interest would not be adversely affected by approval of the transfer of the operative rights with which we are here concerned, and that a public hearing is not necessary. Accordingly the application will be granted. However the action taken herein shall not be construed to be a finding of the value of the properties which will be authorized to be transferred.

ORDER

An application having been filed requesting authority to transfer operative rights, and the Commission now being fully informed in the premises,

IT IS ORDERED:

(1) That on or after the effective date hereof and on or before August 1, 1948, Pioneer Express Company may transfer to Highway Transport, Inc., and the latter may acquire from the former the operative rights referred to in the foregoing opinion and thereafter conduct operations pursuant to said operative rights.

(2) That on or after the effective date hereof appropriate tariffs and time tables as required by General Orders Nos. 80 and 93-A shall be filed by applicants in triplicate and made effective concurrently on not less than 5 days' notice to the Commission and the public.

(3) That within 30 days after consummation of the transfer herein authorized, Highway Transport, Inc. shall notify the Commission in writing of that fact, and shall within said period file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect the transfer authorized.

This order shall become effective 20 days from the date hereof.

Dated at San Francisco, California, this 18th day of May, 1948.

R. F. [Signature]
Justice J. [Signature]
[Signature]
[Signature]
[Signature]
COMMISSIONERS