

**ORIGINAL**

Decision No. 42048

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
PACIFIC MOTOR TRANSPORT COMPANY, a )	
corporation, to sell, and J. C. )	
RUTHERFORD, an individual, to purchase )	Application No. 29668
passenger stage operating rights as a )	
common carrier, between Surf and )	
Lompoc, California. )	

O P I N I O N

By this application, Pacific Motor Transport Company requests permission to sell, and J. C. Rutherford to purchase, the certificate of public convenience and necessity granted by Decision No. 31475, in Application No. 22356, authorizing passenger, baggage and express service between Surf, Lompoc and intermediate points, in Santa Barbara County. Rutherford is presently conducting a passenger, baggage and express service between Buellton, Lompoc and intermediate points under a certificate conferred by Decision No. 41322, in Application No. 29081.

The purchase agreement, a copy of which is attached to the application, recites a consideration of \$250, to be paid within thirty days after the final effective dates of the orders of the Interstate Commerce Commission and this Commission<sup>(1)</sup> authorizing the transfer. No physical properties are involved in the transaction.

The proposed transfer does not appear to be contrary to the public interest and the application will accordingly be

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(1) The agreement also provides for transfer of seller's interstate passenger common carrier right (ICC Docket No. MC-54696, Sub. 3) between Surf, Lompoc and intermediate points, authority for which will be secured from the Interstate Commerce Commission.

granted. The action taken herein, however, shall not be construed to be a finding of the value of the property or properties herein authorized to be transferred. A public hearing is not necessary.

O R D E R

Application therefor having been filed and considered, the Commission now being fully advised and finding that the proposed transfer of said operative right is not contrary to the public interest,

IT IS ORDERED:

(1) That Pacific Motor Transport Company be and it is hereby authorized to sell and transfer to J. C. Rutherford the certificate of public convenience and necessity acquired by Decision No. 31475, in Application No. 22356, and said J. C. Rutherford be and he is hereby authorized to purchase and acquire said certificate as an extension and enlargement of and to be consolidated with buyer's existing operative rights, and thereafter to operate thereunder.

(2) That in the event the authority to transfer is exercised, J. C. Rutherford shall notify the Commission thereof within ten (10) days after the actual date of such transfer.

(3) That applicants shall comply with the provisions of General Orders Nos. 79 and 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, appropriate tariffs and time tables within 60 days from the date hereof and on not less than five days' notice to the Commission and the public.

(4) That the authorization herein granted shall lapse and become void if not exercised within six (6) months from the

effective date hereof, unless further time is granted by subsequent order.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of September, 1948.

R. E. Donagan  
Justus D. Calver  
Joseph A. Linnell  
Harold P. Kild  
Kenneth Patten  
COMMISSIONERS