

Decision No. 42732

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
E. D. SHELLEY and H. A. SHELLEY, dba)
WILMINGTON BUS CO., for authority to) Application No. 30117
transfer certificates of public)
convenience and necessity.)

O P I N I O N

Applicants E. D. Shelley and H. A. Shelley, doing business as Wilmington Bus Co., are providing passenger stage service in the County of Los Angeles, California, in and to points around that district of the City of Los Angeles known as Wilmington, under certificates issued by this Commission⁽¹⁾.

In this proceeding the Commission is requested to authorize said E. D. Shelley to sell all his right, title, and interest in and to said passenger stage operating rights and business and said H. A. Shelley to buy, and thereafter operate, said passenger stage service under said name of Wilmington Bus Co.

The consideration to be paid for Mr. E. D. Shelley's interest in the business is stated in the agreement for the sale as one hundred dollars "and other consideration". Mr. Jacobson, attorney for applicants, in a letter dated April 8, 1949, advises that the other consideration consists of Mr. H. A. Shelley's interest in a note and deed of trust jointly held by them, as well as a

(1) Dec. No. 37406 on Ap. No. 26196
Dec. No. 38057 on Ap. No. 26196
First Supplemental Dec. No. 38643 on Ap. No. 26196, Second Supplemental.

transfer of certain real properties in Los Angeles County. None of this additional consideration constitutes utility property, nor is it included in the assets of said partnership.

According to a balance sheet submitted by applicants, showing the condition of the business as of February 28, 1949, the operation is adequately equipped and financed. After full consideration, it is found that the public interest would not be adversely affected by approval of the transfer of operative rights and properties with which we are here concerned. Accordingly, the application will be granted without public hearing. 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.

O R D E R

Application having been made to the Public Utilities Commission for an order authorizing the transfer of operative rights and properties, and the Commission having considered the matter and being of the opinion that a public hearing is not necessary and that the application should be granted as herein provided,

IT IS ORDERED:

(1) That E. D. Shelley, after the effective date hereof, may sell and transfer to H. A. Shelley all his right, title, and interest in and to the operative rights and properties now held by said parties under the partnership name of Wilmington Bus Co., and said H. A. Shelley may acquire and thereafter operate the same under the name of Wilmington Bus Co., pursuant to the agreement attached

to the application herein, marked Exhibit "A".

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

(3) Applicant H. A. Shelley shall comply with the provisions of General Orders Nos. 79 and 93-A by filing, in triplicate, and concurrently making effective, tariffs and time tables within sixty (60) days after the effective date hereof, and on not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 19th
day of April, 1949.

R. E. Friedman
James Z. Cramer
Isaac H. Russell
Harold A. Kule
Herbert P. Potter
COMMISSIONERS