

Decision No. 42860

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GEORGE W. GILL, JR., and JOHN A. NEWMAN, )  
 doing business as G & N TANK TRUCKING )  
 COMPANY, to sell, and F. N. RUMBLEY COMPANY )  
 to purchase, the business, equipment, and )  
 operative rights of G & N TANK TRUCKING )  
 COMPANY and such rights as G & N TANK TRUCK- ) Application No. 30963  
 ING COMPANY may be entitled to under the )  
 provisions of Chapter 1399, Statutes of 1949, )  
 pending the determination of such rights to )  
 substitute F. N. RUMBLEY COMPANY in lieu of )  
 GEORGE W. GILL, JR. and JOHN A. NEWMAN, doing )  
 business as G & N TANK TRUCKING COMPANY. )

O P I N I O N

This is an application for an order authorizing the transfer, by George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, of a certificate of public convenience and necessity granted by Decision No. 42866, dated May 10, 1949, on Application No. 30012, and also the transfer of whatever operative rights they may have by virtue of Chapter 1399, Statutes of 1949, to F. N. Rumbley Company, a corporation, together with certain equipment. The application shows that, under an agreement dated January 19, 1950, the consideration to be paid for the rights and equipment to be transferred is the sum of \$60,000, of which \$59,000 represents the reasonable fair market value of the equipment to be transferred, and the sum of \$1,000 represents the consideration for good will and operative rights.

George W. Gill, Jr. and John A. Newman, doing business as G & N Trucking Company, under date of January 18, 1950, have filed an application, number 30934, for a certificate of public convenience and necessity to conduct operations as a petroleum irregular-route carrier under and by virtue of Chapter 1399, Statutes of 1949. These applicants allege that they are desirous of disposing of their entire business of transporting petroleum products in bulk, including their motor vehicle equipment, material, supplies, and operative rights granted under Decision No. 42866, supra, together with their good will in said business, and also such operative rights as they may be entitled to by reason of their past operation in the transportation of hot oils and asphalts, in insulated equipment. Applicant F. N. Rumbley Company alleges that it is desirous of acquiring the property and rights described above. A copy of the agreement of sale is attached to the application.

It is further alleged that, by Decision No. 42623, dated March 15, 1949, on Application No. 29544, F. N. Rumbley Company was granted a certificate of public convenience and necessity authorizing operations as a common carrier of petroleum products in bulk, which authority embraces all of the commodities, routes, and termini now authorized to George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, by Decision No. 42866, supra. Therefore, the F. N. Rumbley Company requests that the certificate of public convenience and necessity issued to George W. Gill, Jr. and John A. Newman under Decision No. 42866, be canceled upon approval of the transfer as herein proposed. Applicants also request that F. N. Rumbley Company be substituted for George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking

Company, as applicant in Application No. 30934, supra.

The proposed transfer does not appear to be contrary to the public interest; accordingly, the application will be granted. A public hearing is not necessary.

The action herein taken shall not be construed to be a finding of the value of the property or properties to be transferred nor shall it be construed to be a determination of what operating rights George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, possess by virtue of Chapter 1399, Statutes of 1949, which matter is before this Commission in Application No. 30934.

O R D E R

Application having been filed, the Commission being fully advised and finding that the proposed transfer is not adverse to the public interest,

IT IS ORDERED:

(1) That George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, be, and they hereby are, authorized to sell and transfer to F. N. Rumbley Company a certificate of public convenience and necessity granted by Decision No. 42866, dated May 10, 1949, on Application No. 30012, and also whatever operative rights they may hold by virtue of Chapter 1399, Statutes of 1949, together with their motor vehicle equipment, material, and supplies referred to in the foregoing opinion, and that F. N. Rumbley Company be, and it hereby is, authorized to purchase and

acquire said operative rights and equipment and thereafter to conduct whatever operations the said George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, may have been authorized to conduct by virtue of said Chapter 1399, Statutes of 1949.

(2) In the event this authorization to transfer is exercised, operative rights heretofore granted to George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, under Decision No. 42866, supra, shall be canceled and be of no further force and effect.

(3) Within 30 days after consummation of the transfer herein authorized, F. N. Rumbley Company shall notify the Commission in writing of that fact, and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

(4) That the authorization herein granted shall expire if not exercised within six (6) months after the effective date hereof unless further time is granted by subsequent order.

(5) The substitution of F. N. Rumbley Company for George W. Gill, Jr. and John A. Newman, doing business as G & N Tank Trucking Company, in Application No. 30934, is hereby authorized.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of February, 1950.

R. F. Dunderman  
Justice J. Gallucci  
Superior Court Judge  
Harold P. Hulse  
Rosevelt Lott  
COMMISSIONERS