

ORIGINALDecision No. 46574

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
BEN F. HIGBIE, doing business as)	
the WEST ORANGE TRANSIT COMPANY,)	
for authority to sell and the)	Application No. 32932
Application of PAUL W. DIEFENBACH)	
to buy said WEST ORANGE TRANSIT)	
COMPANY and Franchise.)	

OPINION

Ben F. Higbie, doing business as West Orange Transit Company, is providing passenger stage service between the City of Long Beach and Stanton, an unincorporated community on Huntington Beach Boulevard in Orange County, under authority issued by this Commission ⁽¹⁾. In this proceeding the Commission is requested to authorize Ben F. Higbie to sell and Paul W. Diefenbach to buy Higbie's operating rights and two units of passenger stage equipment.

The consideration to be paid for the operative rights and property proposed to be transferred is the sum of One Thousand (\$1,000.00) Dollars cash to be paid upon the authorization of this Commission. The application states the reasons for each of the applicants for entering into the transaction as follows: Ben J. Higbie has an opportunity to enter a more remunerative business which will take his full time;

(1) Decision No. 45460, dated March 13, 1951, in Application No. 32064, and Decision No. 45978, dated July 24, 1951, in Application No. 32424, as amended.

Paul W. Diefenbach has acted as general manager for six months in full and part-time capacity, and now desires to devote his full time in this service. Paul W. Diefenbach, the purchaser, has had experience in the transportation business for many years.

Applicant Diefenbach has no other operative rights. He proposes to continue the present service without change as to fares, equipment, or frequency of schedules. After full consideration it is found that the public interest will 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. 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 Ben F. Higbie, after the effective date hereof and on or before March 15, 1952, may sell and transfer to

Paul W. Diefenbach the operative rights and properties referred to herein, and said Paul W. Diefenbach may acquire and thereafter operate the same pursuant to the bill of sale, form of which is attached to the application.

(2) That, within thirty (30) days after the consummation of the transfer herein authorized, Paul W. Diefenbach 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 instruments of transfer which may have been executed to effect said transfer.

(3) That applicant Diefenbach shall comply with the provisions of General Orders Nos. 79 and 98, by filing in triplicate and concurrently making effective appropriate tariffs and timetables 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 18th day of December, 1951.

[Signature]
 PRESIDENT

[Signature]

[Signature]

[Signature]

[Signature]
 COMMISSIONERS