

Decision No. 47735**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TED PETERS, JR., and LOWELL N. PETERS,)
 co-executors of the estate of IVY I.) Application No. 33682
 PETERS, deceased, to acquire the)
 operative rights and business of)
 THEO PETERS, deceased.)

O P I N I O N

The application herein alleges that Theo Peters, deceased, during his lifetime held highway common carrier rights issued by this Commission, ⁽¹⁾ that these rights were exercised under the firm name of Ted Peters, that Theo Peters died February 9, 1951 and his widow Ivy I. Peters was appointed executrix of his estate and of his last will and testament, that on May 18, 1952 said Ivy I. Peters died and the two sons of the couple and applicants herein, Ted Peters, Jr. and Lowell N. Peters, were appointed as co-executors of her estate and last will and testament, and that the residue of the estate of Theo Peters including the operative rights above referred to have now been ordered distributed to applicants as such co-executors by the Superior Court, in and for the County of Merced.

Applicants now desire and request an order of this Commission under Section 1063 of the Public Utilities Code, authorizing them, as such co-executors, to acquire and operate during the pendency of such estate of Ivy I. Peters, deceased, the highway common carrier services authorized by the certificates of public convenience and necessity heretofore issued to or acquired by said Theo Peters, deceased.

(1) Decision No. 43594, dated December 7, 1949 in Application No. 30080, Decision No. 29768, dated May 17, 1937 in Application No. 21167, and Decision No. 44646, dated August 15, 1950 in Application No. 31622. These rights involved service of transporting dairy products generally between Los Banos, Dos Palos, Hayward and Tracy and San Francisco and East Bay Cities. ✓

Applicants further allege that for several years next preceding the demise of said Theo Peters they were actively associated with him in the management and operation of his said highway common carrier business, and that during the time their mother, said Ivy I. Peters, was serving as executrix of the last will and testament of their deceased father, they managed said business for her, that they are now experienced, ready, able and willing to assume the responsibility of operating the business as co-executors of the estate of said Ivy I. Peters, and that said rights have been exercised continuously and their continuance is required by the public and is in the public interest.

The Commission finds that the proposed transfer of the operative rights and property formerly held by Theo Peters, now deceased, to applicants as co-executors of the last will and testament and estate of said Ivy I. Peters, and their operation of said rights during the pendency of the estate of Ivy I. Peters, deceased, will not be adverse to the public interest. The authority requested will therefore be granted. A public hearing is unnecessary. The action taken herein shall not be construed to be a finding of the value of the operative rights herein authorized to be transferred.

O R D E R

Application having been made to the Public Utilities Commission for an order authorizing the acquisition by applicants as executors of the estate of Ivy I. Peters, deceased, of the operative rights issued to or acquired by Theo Peters, deceased, 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 Ted Peters, Jr. and Lowell N. Peters as co-executors of the estate of Ivy I. Peters, deceased, be and they hereby are authorized to acquire and thereafter exercise the operative rights granted to or acquired by Theo Peters, deceased.

(2) That, within sixty (60) days after the effective date of this order, applicants shall file in triplicate and concurrently make effective appropriate tariffs 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 21st day of September, 1952.

R. F. [Signature]
President

Justice J. [Signature]
Harold [Signature]

Commissioners