

ORIGINALDecision No. 47829

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ARVIN LINE, a California corporation,)
 for authority to transfer operative)
 rights and all public utility proper-)
 ties and to dissolve said corporation)
 and authorizing EARL C. COOK and EVA)
 M. COOK as sole stockholders of said)
 corporation to receive said operative)
 rights and public utility properties)
 in liquidation of said corporation)
 and to carry on the operations of)
 said public utility under the firm)
 name and style of COOK'S STAGES.)

Application No. 33300

O P I N I O N

Arvin Line, a corporation, holds passenger stage operative rights for the transportation of passengers, baggage, and shipments of express weighing not in excess of 100 pounds each, between Bakersfield and Arvin and intermediate points, subject to certain limitations, via Magunden, Lamont and Weedpatch. All of its issued and outstanding stock is owned by Earl C. Cook, its president, and his wife, Eva M. Cook, its vice-president.

Earl C. Cook, an individual, holds an operative right as a passenger stage corporation authorizing the transportation of passengers, baggage, and shipments of express weighing not to exceed 100 pounds each, between Bakersfield and Taft and intermediate points over two routes. One route is via Greenfield, Panama, Old River and Ford City. The other route is via Rosedale, Rio Bravo, McKittrick and Fellows. No local service is provided between Fellows and Taft. As a part of this operative right he also holds a certificate for the transportation of shipments of express weighing not in excess of 100 pounds each, consisting of newspapers, bread and bakery products only, between Taft and Maricopa.

By their application, as amended, Arvin Line seeks authority to transfer and Earl C. Cook and Eva M. Cook, doing business as Cook's Stages, seek authority to acquire all of the physical assets and the passenger stage operative rights of Arvin Line as described above and created as indicated in the margin. ⁽¹⁾ The consideration for this proposed transfer would be the return to the corporation of all of its outstanding capital stock by Earl C. Cook and Eva M. Cook.

Earl C. Cook, an individual, seeks authority to transfer to a partnership consisting of himself and Eva M. Cook, his wife, all of the passenger stage operative rights owned by him as described above and created by the decisions shown in the margin. ⁽²⁾

In order to effect clarity and certainty as to the operative rights herein proposed to be transferred, the Commission is requested to authorize the transfer and then to issue a new certificate to Earl C. Cook and Eva M. Cook between all the points now served by the applicants, which will supersede all of the operative rights now held by Earl C. Cook, an individual, and those held by the corporation Arvin Line. Upon the consummation of the proposed transaction, the corporation will be dissolved. ⁽³⁾

(1) By Decision 23742 dated June 1, 1931, in Application 17368; by Decision 37797 dated April 17, 1945, in Application 26592; by Decision 41456 dated April 13, 1948 in Application 29139; by Decision 42035 dated September 14, 1948, in Application 29464, and by Decision 46130 dated August 28, 1951 in Application 32565.

(2) By Decision 24788 dated May 23, 1932, in Application 18050; by Decision 27178 dated June 26, 1934, in Application 19486, and by Decision 32404 dated October 3, 1939, in Application 23002.

(3) The Commission heretofore has authorized the Arvin Line to transfer certain of its passenger stage operative rights between Bakersfield, Mojave and Barstow to H. L. and E. F. Mau (Decision 46602 dated January 3, 1952, Application 32819).

As justification for the authority sought, it is alleged that the clarification and consolidation of rights and the dissolution of the corporation would result in more efficient operations, better maintenance of accounting methods, procedures, repairs and maintenance, and greater flexibility in moving equipment from one portion of the operations to another to meet peak traffic requirements. There is no proposal to alter present fares, rates or schedules of service.

After full consideration of the requests of applicants, the Commission is of the opinion and finds that the proposed transfer of operative rights would not be adverse to the public interest and that public convenience and necessity require the issuance of a new certificate to the transferees which will supersede all of the present operative rights of all of the applicants involved which will be revoked and annulled. A public hearing in this matter does not appear to be necessary.

O R D E R

An application having been filed, the Commission being fully advised in the premises and based on the conclusion and findings as expressed in the foregoing opinion,

IT IS ORDERED:

(1) That after the effective date hereof and on or before November 30, 1952, Arvin Line, a corporation and Earl C. Cook, an individual, may transfer to Earl C. Cook and Eva M. Cook, partners, and the latter may acquire from the former the operative rights and assets referred to in the foregoing opinion and thereafter operate thereunder.

(2) That within thirty (30) days after the consummation of the transfers herein authorized, Earl C. Cook and Eva M. Cook shall notify the Commission in writing of that fact, and within that 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 the transfers.

(3) That a certificate of public convenience and necessity is hereby granted to Earl C. Cook and Eva M. Cook authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code; for the transportation of passengers, baggage, and shipments of express not exceeding 100 pounds each in weight in passenger carrying vehicles as a unified and consolidated operation as follows:

- (a) Between Bakersfield and Taft and intermediate points via Greenfield, Panama, Old River and Ford City, and between Bakersfield and Taft and intermediate points via Rosedale, Rio Bravo, McKittrick and Fellows, provided that no local service may be performed between Fellows and Taft and points intermediate thereto.
- (b) Between Taft and Maricopa and intermediate points, provided that service between these points shall be confined to the transportation of express shipments of newspapers, bread and bakery products only and in shipments not exceeding 100 pounds in weight.
- (c) Between Bakersfield and Arvin and intermediate points via Magunden, Lamont, Weedpatch and Di Giorgio, provided that passengers having both point of origin and destination within the corporate limits of the City of Bakersfield may not be transported.

(4) That in providing service pursuant to the certificate herein granted applicants shall comply with and observe the following service regulations:

- (a) Within thirty (30) days after the effective date hereof, applicants Earl C. Cook and Eva M. Cook, shall file a written acceptance of the certificate herein granted.

- (b) Within sixty (60) days after the effective date hereof and upon not less than five (5) days' notice to the Commission and the public, applicants Earl C. Cook and Eva M. Cook, shall establish the service herein authorized and file in triplicate, and concurrently make effective tariffs and timetables satisfactory to the Commission.
- (c) Subject to the authority of the Commission to change or modify them by further order, applicants Earl C. Cook and Eva M. Cook shall conduct operations pursuant to the certificate herein granted over and along the following routes: ✓
1. Between Bakersfield, Buttonwillow, McKittrick, Taft and Maricopa over California Highways 178 and 33;
 2. Between Bakersfield, Greenfield, Panama and Taft over U. S. Highways 99 and 399;
 3. Between Bakersfield and Arvin over the route beginning at 20th and K Streets (Bakersfield) thence via 20th and 19th Streets, East Truxtun Avenue, Edison Highway (U. S. Highway 466) and Weedpatch Highway. Also, along Fairfax Road and Redbank Road, between their junctions with U. S. Highway 466 and Weedpatch Highway. Also, over an unnamed county road between its junction with Weedpatch highway at Lamont, thence along such road through Di Giorgio and thence to Arvin.

(5) That the operative rights of Earl C. Cook, created by the following decisions are hereby revoked and annulled:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
24788	May 23, 1932	18050
24178	June 26, 1934	19486
32404	Oct. 3, 1939	23002

(6) That the operative rights presently held by Arvin Line as created by the following decisions are hereby revoked and annulled:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
23742	June 1, 1931	17368
37797	April 17, 1945	26592
41456	April 13, 1948	29139
42035	Sept. 14, 1948	29464
46130	Aug. 28, 1951	32565

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

Dated at San Francisco, California, this 14th day of October, 1952.

R. J. Dunderberg
 President
Justin J. Craemer
Harold P. Kuhl
Francis H. Patton
John E. Mitchell
 Commissioners