

ORIGINAL

Decision No. 49011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Boysie E. Day, Hatton W. Day and)
 Grady D. Day, formerly doing business)
 as POMONA TANK LINE, a copartnership,)
 to transfer to Boysie E. Day, Grady D.)
 Day and Fred G. Bonner, doing business)
 as POMONA TANK LINE, a copartnership,)
 certain highway common carrier operating)
 rights between points within the)
 territory San Francisco and Sacramento)
 on the north, and the California-Mexican)
 Line on the south.)

Application No. 34613

O P I N I O N

Boysie E. Day, Hatton W. Day and Grady D. Day as copartners have been doing business under the firm name of Pomona Tank Line in the operation of a highway common carrier service for the transportation of petroleum products generally between San Francisco, Sacramento and other points southerly to the United States and Mexican Border. This is an application requesting the substitution of Fred G. Bonner as a partner for Hatton W. Day who wishes to retire. The new partner has paid \$4,000 in cash to Hatton W. Day as the purchase price of his partnership interest. Authority is sought for the firm as now constituted to carry on the operations authorized by Decision No. 42849 dated May 10, 1949 in Application No. 29840 and as acquired by the present vendors pursuant to the order contained in Decision No. 45604, dated April 24, 1951 in Application No. 32117.

The partnership as now constituted proposes to continue the operations at the same rates and charges as in the past. It is alleged that Hatton W. Day wishes to withdraw because of poor health. The incoming partner for a number of years has been acting as the firm's general manager. It is further stated in the application that

no other carrier will be adversely affected by the transfer.

After full consideration of the matter the Commission is of the opinion that the transfer of the operative rights to the partnership as presently constituted should be authorized. Such transfer is found not to be adverse to the public interest. A public hearing is unnecessary. The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

O R D E R

Application having been made for an order authorizing the transfer of operative rights, 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,

IT IS ORDERED:

(1) That within sixty days after the effective date hereof applicants Boysie E. Day, Hatton W. Day and Grady D. Day doing business as Pomona Tank Line may transfer without further consideration the operative rights granted by Decision No. 42849, dated May 10, 1949 in Application No. 29840 and acquired by them pursuant to authority issued in Decision No. 45604, dated April 24, 1951 to applicants Boysie E. Day, Grady D. Day and Fred G. Bonner partners doing business as Pomona Tank Line and said latter applicants may acquire and thereafter exercise said operative rights.

(2) That within thirty days after the consummation of the transfer herein authorized, said Boysie E. Day, Grady D. Day and Fred G. Bonner shall notify the Commission in writing and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect such transfer.

(3) That said Boysie E. Day, Grady D. Day and Fred G. Bonner doing business as Pomona Tank Line shall file in triplicate and concurrently make effective, appropriate tariffs within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public.

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

Dated at Los Angeles, California, this 25th day of August, 1953.

R. T. [Signature]
PRESIDENT

Justin F. [Signature]
[Signature]

COMMISSIONERS