

**ORIGINAL**

Decision No. 49480

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GEORGE BILLINGSLEY doing business as )  
 BILLINGSLEY TANK SERVICE, to sell and )  
 Don E. Keith, to purchase, a certificate ) Application No. 34920  
 of public convenience and necessity )  
 authorizing service as a petroleum irregular )  
 route carrier. )

O P I N I O N

By the above-entitled joint application authority is sought for the sale and transfer of a petroleum irregular route certificate.

Applicant Billingsley holds a certificate of public convenience and necessity authorizing the operation of service as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products in tank trucks and tank trailers between all points and places in the State of California. (1) He has been conducting operations under said certificate continuously since the grant of such right.

Applicant Keith is engaged in the operation of a highway common carrier service in the transportation of livestock, and also as a permitted carrier in the transportation of various commodities. Applicant Billingsley proposes to sell and applicant Keith proposes to buy the operating right authorizing service as such petroleum irregular route carrier pursuant to a written agreement, a copy of which is attached to the above-numbered application. No equipment or other physical property is involved in the transfer herein proposed. The consideration to be paid by the buyer to the seller is \$2,000 cash, which sum is to be paid upon the transfer of the right.

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(1) Decision No. 44204 dated May 23, 1950 in Application No. 31214.

The acquisition of the operating rights herein proposed to be transferred, it is alleged, will enable the buyer to utilize his organization and personnel more efficiently and advantageously. It is further stated that the transportation of petroleum and petroleum products will not interfere with the service presently conducted by applicant Keith as a highway common carrier of livestock. He has now acquired several units of automotive equipment suitable for the transportation of petroleum and products thereof. Applicant Keith has adequate financial resources and has had sufficient experience in transportation to assure a successful operation.

The Commission has considered this matter and is of the opinion and finds that the proposed transfer will not be adverse to the public interest. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred. A public hearing in this matter is unnecessary.

#### O R D E R

The Commission having considered the above-entitled matter and being of the opinion that a public hearing is not necessary, that the application should be granted and that the money to be paid for the rights to be transferred is reasonably required, now therefore,

#### IT IS ORDERED:

(1) That within sixty days after the effective date hereof George Billingsley, doing business as Billingsley Tank Service may sell and transfer his operative rights, created by Decision No. 44204 dated May 23, 1950 in Application No. 31214, to Don E. Keith, such sale and transfer to be made in accordance with the terms of the agreement between said applicants dated November 25, 1953 a copy of which is attached to the application herein as Exhibit A, which agreement applicants are authorized to execute, and that applicant

Keith may acquire and thereafter exercise said operative rights pursuant to the certificate of public convenience and necessity so transferred and acquired.

(2) That within thirty days after the consummation of the transfer herein authorized said Keith 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 have been executed to effect such transfer.

(3) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and the public, applicants shall supplement or reissue the tariffs and timetables on file with the Commission naming rates, rules, regulations and schedules governing the common carrier operations here involved to show that Billingsley, has withdrawn or canceled and Keith has adopted or established as his own said rates, rules, regulations and schedules.

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

Dated at San Francisco, California, this 21<sup>st</sup> day of December, 1953.

*A. J. [Signature]*  
 President

*Justus F. [Signature]*

*Kenneth [Signature]*

*John E. [Signature]*

*Gene [Signature]*  
 Commissioners