

Decision No. 49654**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GEORGE GARDNER as Trustee in Bankruptcy )  
 of Edward William Roberts, also known as )  
 Ed Roberts, doing business as Roberts )  
 Tank Line, to sell, and of JOHN A. LACEY, )  
 doing business as Lacey Trucking Company, )  
 to purchase the certificates of public )  
 convenience and necessity authorizing the )  
 transportation of petroleum products as )  
 an irregular route carrier. )

Application No. 35053

O P I N I O N

An order is sought authorizing John A. Lacey to purchase and George Gardner as Trustee in Bankruptcy of Edward William Roberts, also known as Ed Roberts, to sell for the sum of \$1,375 the said Roberts' rights to operate as a petroleum irregular route carrier and highway common carrier pursuant to the provisions of Decision No. 42623, dated March 15, 1949, Decision No. 43049, dated June 28, 1949, and Decision No. 44394, dated June 20, 1950.

It appears from the application that George Gardner is the regularly appointed and acting Trustee in Bankruptcy of Edward William Roberts, also known as Ed Roberts; that after notice regularly given, the rights above mentioned were sold at public sale on December 22, 1953 for the sum of \$1,375 to John A. Lacey, the highest bidder therefor; that said sale was made subject to the approval of this Commission; that by order dated January 5, 1954 the Referee in Bankruptcy, in the District Court of the United States, Southern District of California, Central Division, approved and confirmed such sale and directed the said trustee to make application to obtain approval of such sale from this Commission.

The application further discloses that John A. Lacey for many years has carried on a motor transportation business, particularly in and among the oil fields, under certificates and permits issued by this Commission; that he possesses adequate facilities and financial resources to render service under the certificates herein involved.

We find that the public interest will not be adversely affected by approval of the transfer with which we are here concerned. The application will be granted. In so doing we make no finding as to the value of such operative rights. A public hearing is not necessary.

O R D E R

An application having been filed and the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

(1) That George Gardner, as Trustee in Bankruptcy of Edward William Roberts, also known as Ed Roberts, after the effective date hereof and on or before March 15, 1954, may sell and transfer to John A. Lacey the operative rights referred to herein and the latter may acquire and thereafter operate the same, such sale and transfer to be in accordance with the terms of the agreement dated January 5, 1954, attached to the application as Exhibit A.

(2) That, within thirty days after completion of the transfer herein authorized, John A. Lacey shall so notify the Commission in writing.

(3) That, within ninety days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicants shall amend tariffs on file with the

Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Edward William Roberts, also known as Ed Roberts, Bankrupt, has withdrawn and John A. Lacey has adopted as his own said rates, rules and regulations.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of February, 1954.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners