

Decision No. 43263**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FIELD TRANSPORTATION COMPANY, a corpo-)
 ration, to sell, and FLOYD G. POWERS)
 and RAYMOND L. SMITH, co-partners,)
 doing business as AIRWAY TRUCKING)
 COMPANY, to purchase, highway common)
 carrier operating rights for the)
 transportation of petroleum products.)

Application No. 35225

O P I N I O N

Field Transportation Company, a corporation (hereinafter called Seller), holds certificates of public convenience and necessity authorizing it (1) to transport as a highway common carrier, petroleum in bulk, with certain exceptions substantially along all principal routes and between all principal points in California south of San Francisco, Sacramento, and Topaz as authorized by Decision No. 43261 on Application No. 30259, and (2) to operate as a petroleum irregular route carrier between all points and places within the State of California, as restricted and subject to the exceptions, as set forth in Decision No. 44433 on Application No. 31301.

Applicant Seller requests authority to sell and transfer said operating rights to Floyd G. Powers and Raymond L. Smith, co-partners doing business as Airway Trucking Company (hereinafter called Buyer), for a consideration of \$2,500, payable \$250 upon execution of the agreement of sale (Exhibit "A" filed with this application), the balance of \$2,250, without interest, in installments of \$37.50 or more per month commencing 30 days after transfer of certificate, following approval of sale by this Commission, and monthly thereafter until paid in full. Said balance is to be evidenced by an unsecured promissory

note of the Buyer. No equipment or other physical property is involved in the transfer herein proposed.

Buyer now conducts operations in Southern California as a permitted carrier under city, radial and contract permits issued by the Commission and as a highway common carrier under a certificate of public convenience and necessity issued by the Interstate Commerce Commission. In the conduct of such operations Buyer uses and operates 9 trucks, 11 tractors, 23 semitrailers and 2 pickup trucks.

It is alleged that the acquisition of the operating rights of Seller will permit the Buyer to expand its present service and to perform a more substantial part thereof as a certificated carrier instead of as a permitted carrier. The automotive equipment used and operated by the Buyer in its present operations, together with additional tank trucks and trailers to be purchased by it, will be adequate for the service to be rendered under the operating rights which it proposes to purchase from Seller. Buyer will purchase said tank trucks and trailers upon approval by this Commission of the transfer herein proposed. The purchase of such equipment will be made from the working capital of Buyer's present business or from additional capital to be invested in such business by the Buyer.

Financial statements filed with this application show that Buyer as of November 30, 1953, had assets of \$127,216.37 and liabilities of \$94,224.45 and a net worth of \$32,991.92. For the eleven-month period ending November 30, 1953, Buyer operated at a net profit of \$14,109.05.

Seller is in the process of liquidating its business and after the sale of its operating rights as herein proposed will not thereafter engage in business as a motor carrier.

It appearing that Buyer is able and willing to perform the service herein requested to be transferred and that the proposed sale

and transfer is not adverse to the public interest, the application will be granted. A public hearing is not deemed necessary.

The action taken herein shall not be construed to be a finding of value of the property herein authorized to be transferred.

O R D E R

Application having been made, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That Field Transportation Company, a corporation, may sell and transfer on or before May 31, 1954, to Floyd G. Powers and Raymond L. Smith, as copartners, the operating rights referred to in the foregoing opinion, said sale to be made substantially upon the terms and conditions of the agreement of sale filed as Exhibit "A" with this application, and the latter may acquire and continue to operate said services as heretofore authorized by this Commission, and may incur the long-term indebtedness referred to in this opinion, it being the opinion of the Commission that the money, property or labor to be procured or paid for through such indebtedness is reasonably required by Floyd G. Powers and Raymond L. Smith, copartners, for the purpose of acquiring said operating rights, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

(2) That applicants shall file in triplicate, and concurrently make effective, appropriate tariffs within sixty days after the effective date hereof and upon not less than five days' notice to the Commission and to the public.

(3) That in the event the authority hereinabove granted is exercised, Floyd G. Powers and Raymond L. Smith, copartners, shall

notify the Commission in writing of the fact within thirty days after date of transfer.

(4) That the authority herein granted will become effective when Floyd G. Powers and Raymond L. Smith, copartners, have paid the minimum fee prescribed by Section 1904 (b) of the Public Utilities Code, which fee is \$25.

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

Dated at San Francisco, California, this 30th day of March, 1954.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

