

ORIGINAL

Decision No. 51107

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
VENTURA TRANSFER COMPANY, a corpora-)	
tion, to purchase, and R. B. SNOW,)	
an individual, to sell, a petroleum)	Application No. 36637
irregular route carrier certificate,)	(As Amended)
automotive equipment, and other)	
personal property.)	

O P I N I O N

This application filed January 14, 1955, requests an order of the Commission authorizing applicant R. B. Snow to sell and transfer the state-wide petroleum irregular route carrier operating rights and equipment of his business to Ventura Transfer Company, a corporation. Applicant Ventura Transfer Company presently holds similar state-wide rights and also highway common carrier rights.

An agreement of purchase and sale has been executed by the applicants, subject to Commission approval, whereby applicant Snow agrees to sell his operative rights and good will for \$300 and his tangible assets for \$59,700, payable \$5,000 immediately into escrow and the balance five days after the effective date of the Commission's order approving the transaction.

As justification for the requested approval, applicants allege as follows:

¹ Decision No. 44350, dated June 20, 1950, in Application No. 31183.

² Decision No. 42623, dated March 15, 1949, in Application No. 29549 as amended by Decision No. 43049, dated June 28, 1949, and Decision No. 44380, dated June 20, 1950, in Application No. 31257.

Applicant R. B. Snow wishes to discontinue motor carrier operations. His business has been conducted primarily for two shippers and applicant Ventura Transfer Company is prepared to perform all of the service requirements of said shippers and is desirous of doing so. Ventura Transfer Company now performs a substantial petroleum carrier operation, employing 20 combination units of tank truck and trailer equipment. In addition, the purchaser will have seller's equipment free of any incumbrances. Since the purchaser now holds authority from this Commission embracing all of the operations authorized by seller's certificate, it is willing that its certificate to be acquired may be canceled or revoked.

In the First Amendment to application filed January 31, 1955, it is alleged that R. B. Snow was authorized, by Commission Decision No. 49156 dated September 29, 1953, in Case No. 5436 (Petition No. 3), to establish rates for the transportation of petroleum crude oil, in bulk, in tank vehicles, from LeRoy Lease to Carr Station and Battles Station, which are lower than the rates established by this Commission in Minimum Rate Tariff No. 6, but not less than the following:

From LeRoy Lease to:

Carr Station - 3.85 cents per 100 pounds

Battles Station - 4.25 cents per 100 pounds

Said decision authorized applicant, R. B. Snow, to deviate from the minimum rates as hereinabove described until October 15, 1954. By Decision No. 50706, dated October 26, 1954, in said Case No. 5436 (First Supplemental, Petition No. 3), the Commission granted a continuance of said authority until October 15, 1955.

Applicants request that said authority to transport petroleum crude oil between the points described at less than the minimum rates, as set forth in its Decisions Nos. 49156 and 50706, be transferred from R. B. Snow to Ventura Transfer Company. As justification for such request, applicants allege that the physical characteristics of the operations conducted pursuant to such authority will not be changed, and there will be no appreciable difference in operating costs because of the transfer. They further state that they are confident the operations will be as profitable to Ventura Transfer Company as they have been to applicant Snow.

The Commission finds that Ventura Transfer Company should have the right to transport petroleum crude oil between the points hereinabove stated, at less than the Commission's minimum rates, upon the terms granted to applicant Snow and set forth in said Decisions Nos. 49156 and 50706.

Applicant Ventura Transfer Company has submitted a balance sheet as of November 30, 1954, showing that it is in a position to carry out the terms of its purchase agreement without detriment to its present operations. The profit and loss statement covering the first ten months of the calendar year 1954 shows a net operating profit of \$61,046.23.

The Commission finds that the proposed transfer will not be adverse to the public interest. The Commission further finds that the certificate of public convenience and necessity to be transferred by applicant Snow to Ventura Transfer Company should be revoked as soon as it is acquired by said purchaser. The action taken herein shall not be construed to be a finding of the value of the rights and properties herein authorized to be transferred. The Commission is of the opinion that the order authorizing this transfer should be made effective immediately since the price is based upon the present condition of the equipment to be transferred.

O R D E R

Application, as amended, having been made for an order authorizing the transfer of operative rights and properties, 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, and that the operative rights to be acquired by Ventura Transfer Company from applicant Snow should be canceled and revoked.

IT IS ORDERED:

1. That, within sixty days after the effective date hereof, applicant R. B. Snow may sell and transfer to Ventura Transfer Company for \$60,000 cash the property above referred to and the operative rights granted by Decision No. 44350, dated June 20, 1950, in Application No. 31183 and upon such transfer said operative rights are hereby canceled and revoked.

2. That, within thirty days after the consummation of the transfer herein authorized, said Ventura Transfer Company shall notify the Commission in writing thereof 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 immediately after the transfer herein authorized, applicant Ventura Transfer Company shall institute service to all of applicant Snow's petroleum irregular route customers and shall join with said applicant Snow in canceling on not less than two days' notice to the Commission and the public, all rates, rules and regulations now filed by said applicant Snow.

4. That, within sixty days after the effective date hereof, applicant Ventura Transfer Company, operating as a petroleum irregular route carrier, be and it hereby is authorized to publish and file and make effective on not less than two days' notice to the Commission

and to the public, the following rates for the transportation of petroleum crude oil:

From LeRoy Lease to:

Carr Station - 3.85 cents per 100 pounds

Battles Station - 4.25 cents per 100 pounds.

5. That the rates established under the authority granted by the above ordering paragraph number 4 shall be published to expire October 15, 1955, unless sooner canceled, changed, or extended by order of this Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 15th day of February, 1955.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners