

ORIGINAL

Decision No. 51515

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CONSOLIDATED FREIGHTWAYS, INC., and)
DAVE M. FRANKLIN, dba COAST FREIGHT)
LINES, for authority for the latter)
to transfer; and the former to)
acquire; certain operating rights.)

Application No. 36887

O P I N I O N

Dave M. Franklin, doing business as Coast Freight Lines, (hereinafter referred to as Seller) requests authority to sell and Consolidated Freightways, Inc. (hereinafter referred to as Buyer) requests authority to purchase certain equipment and highway common carrier operative rights.

The subject of the sale as set forth in Exhibit A attached to the application involves extensive operating and office equipment, interstate operative rights, Oregon intrastate operative rights and California intrastate operative rights, the latter being for the transportation of general commodities between Crescent City and the California-Oregon State Line on U. S. Highway 101.

Buyer is presently engaged as a common carrier in interstate and intrastate commerce. For the year 1954, it showed a net income of \$864,815.

The agreed purchase price is \$75,000, with \$15,000 down and the balance of \$60,000 to be paid over a five-year period with interest at the rate of 5 per cent per annum. The agreed value of the California intrastate operative rights is \$600. It is alleged that the Seller is in ill health and wishes to retire from the transportation business.

After consideration the Commission is of the opinion and so finds that the proposed sale will not be adverse to the public interest and that the money, property or labor to be procured or paid for by the issue of the evidence of indebtedness herein authorized is reasonably required by applicant corporation for the purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expense or to income. 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. A public hearing does not appear to be necessary.

ORDER

Application having been filed and the Commission being advised in the premises,

IT IS ORDERED:

(1) That after the effective date hereof and on or before September 1, 1955, Dave M. Franklin may sell and transfer and Consolidated Freightways, Inc. may purchase and acquire the properties referred to and the operative rights described in Decision No. 43709, dated January 17, 1950, in Application No. 30769.

(2) That Consolidated Freightways, Inc. may incur indebtedness of \$60,000 in accordance with the terms of the sales agreement attached to the application as Exhibit A.

(3) That within thirty days after the consummation of the transfer herein authorized applicants 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 be executed to effect said transfer.

(4) That after the effective date hereof and on or before September 1, 1955, 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 Dave M. Franklin has withdrawn and Consolidated Freightways, Inc. has adopted as its own said rates, rules and regulations.

(5) This order shall become effective when applicants have paid the fee of \$60 as required by Section 1904 of the Public Utilities Code.

Dated at San Francisco, California,
this 31st day of May, 1955.

John E. Mitchell
President
Robert A. ...
...
...

Commissioners

