

ORIGINAL

Decision No. 51522

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RICHARD A. COWAN, JR. and)
MERRILL E. ERSKINE, doing business)
as D & M TANK LINE, to sell, and)
MERRILL E. ERSKINE, doing business)
as D & M TANK LINE, to purchase)
Certificate of Public Necessity)
and Convenience authorizing the)
transportation of petroleum products)
as an irregular route common)
carrier.)

Application No. 36886

O P I N I O N

By Decision No. 50246, dated July 6, 1954 in Application No. 35542, applicants, Richard A. Cowan, Jr. and Merrill E. Erskine, copartners, were granted authority to purchase the certificate of public convenience and necessity as a petroleum irregular route carrier previously held by Walter Scott Winans. They have been carrying on business under this authority as D & M Tank Line.

According to the present application filed April 19, 1955 this partnership operation has resulted in a loss of \$2,777.53 during the first ten months of 1954. Applicant Cowan now wishes to withdraw from the firm and devote his time to other endeavors. The partners have agreed that applicant will pay Mr. Cowan \$100 for his interest in the business and that Mr. Erskine will then carry on the business as sole owner of the assets and operating authority.

The Commission finds that the proposed transfer will not be adverse to the public interest and should be authorized. The

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

O R D E R

The Commission having considered the above-entitled matter and being of the opinion that a public hearing is unnecessary and that the proposed transfer of operative rights is not adverse to the public interest,

IT IS HEREBY ORDERED:

(1) That on or before July 31, 1955 Richard A. Cowan, Jr. may sell and transfer his interest in the partnership known as D & M Tank Line and the certificate of public convenience and necessity acquired pursuant to the authority granted by said Decision No. 50246 to his partner, Merrill E. Erskine, for the sum of \$100 cash and the latter may thereafter operate as a petroleum irregular route carrier pursuant to the authority of said certificate of public convenience and necessity.

(2) That within thirty days after completion of the transfer herein authorized, applicant Erskine shall so notify the Commission in writing and within said period shall file with it true copies of any instruments executed to effect such transfer.

(3) That in accordance with the Commission's General Order No. 80 and concurrently with the transfer authorized by ordering paragraph (1) hereof, on not less than five days' notice to the Commission and the public, applicant Erskine shall within the period provided in said ordering paragraph (1) institute the service under the operative rights hereunder acquired and shall join with applicant Cowan to amend tariffs on file with the Commission naming rates, rules and regulations governing the operations

herein involved to show that Richard A. Cowan, Jr. has withdrawn and Merrill E. Erskine 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 31st day of May, 1955.

[Handwritten Signature]

President.

[Handwritten Signature]

[Handwritten Signature]

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Commissioners.