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Decision No. 53090

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MERCHANTS EXPRESS OF CALIFORNIA, a)
corporation, for authority to purchase)
(a) the highway common carrier certifi-)
cates and other operating authority)
(b) the automotive equipment, and (c))
other miscellaneous supplies and assets)
used in the operation of WAY'S FREIGHT)
LINE, a corporation.)

Application No. 38025

INTERIM OPINION AND ORDER

Merchants Express of California requests authority to purchase and acquire the operative rights and equipment of Way's Freight Line.

Way's Freight Line is authorized to transport general commodities between San Francisco Bay points (San Francisco, South San Francisco and East Bay cities) and Crescent City along U. S. Highway 101 serving certain intermediate and off-route points.

It is alleged that the assets of Way's Freight Line were seized by the U. S. Treasury Department Internal Revenue Service in order to pay transportation, payroll and withholding taxes properly due and payable. A public auction was held on May 8, 1956, and Merchants Express of California was the highest bidder with a bid of \$111,250.

It is requested that in the event the instant application cannot be granted ex parte that the Commission make an appropriate order which will authorize applicant to immediately conduct the highway common carrier operations previously conducted by Way's Freight Line, and that said order remain in effect pending disposition of the application.

The Commission is of the opinion that a public hearing should be held in this matter. A public hearing will be held on August 1, 1956, at 10 A.M. at the Commission Courtroom in San Francisco before such Commissioner and Examiner as may be designated by the Commission. Pending such action, applicant will be authorized to temporarily conduct until October 1, 1956, the highway common carrier operations previously conducted by Way's Freight Line.

Therefore, good cause appearing

IT IS ORDERED:

1. That Merchants Express of California is hereby authorized to temporarily conduct until October 1, 1956, unless otherwise ordered by the Commission, the highway common carrier operations performed by Way's Freight Line under authority granted by the following decisions:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
39081	6-11-46	27412
41400	3-30-48	27412 1st Sup.
45102	12- 5-50	30203
49348	11-17-53	27412 2nd Sup.
50629	10-13-54	35836

2. That on not less than one day's notice to the Commission and to the public, applicant shall amend or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Way's Freight Line has withdrawn or canceled and Merchants Express of California has adopted or established as its own, in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including all supplements or amendments thereto, filed with the Public Utilities Commission of the State of California by or in the name of Way's Freight Line prior to the effective date of its possession. The tariff filings made pursuant to the order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

3. That a public hearing on Application No. 38025 will be held on Wednesday, August 1, 1956, at 10 A.M. at the Commission Courtroom, San Francisco, before such Commissioner and Examiner as shall be designated by the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16th
day of May, 1956.

Paul Lintermeier President

Michael J. ...
R. Hardy
Commissioners