

Decision No. 53780**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 is presently operating the Way's Freight Line under temporary authority granted by this Commission. The Way's Freight Line was seized by the Department of Internal Revenue and sold at public auction to Merchants Express of California as the highest bidder. A public hearing was held on August 1, 1956, and continued to September 25, 1956, for protestants.

During the first day of hearing protestants (primarily the attorney representing the receiver in bankruptcy of Way's Freight Line) made a motion to dismiss the application on the ground that it failed to comply with the Commission's rules of procedure in that the Department of Internal Revenue failed to join in the application. Attorney for applicant referred to the application wherein it was explained that the Department of Internal Revenue as a matter of policy will not join in such applications. It was further pointed out that a certificate of sale from the Department to applicant was attached to the application.

Although Rule 27 of the Commission's Rules of Procedure requires that all parties to a transfer proceeding sign the application, Rule 78 states that these rules shall be liberally construed to secure just, speedy, and inexpensive determination of