

Decision No. 53973

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RUBY NEWMAN, as administratrix of the)
estate of JOHN EVERETT NEWMAN, deceased,)
and ALFRED FLEKAL to transfer the) Application No. 38316
Certificate of Public Convenience and)
Necessity authorizing the transportation)
of petroleum products as an irregular)
route carrier.)

O P I N I O N

By Decision No. 50391 dated August 10, 1954 in Application No. 35165, a certificate of public convenience and necessity was granted to Alfred Flekal and John Newman authorizing the establishment and operation of service as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code for the transportation of petroleum products between all points and places in the Counties of Kern, Ventura and Santa Barbara; provided such shipments have their origin or destination in an oil field or well site as therein defined.

According to the allegations of the application herein filed August 6, 1956, John Newman died on September 12, 1955 and his estate was probated in the Superior Court of the State of California in and for Kern County, Case No. 13370, and during the administration of the estate the partnership business has been conducted under the name Oilfield Vacuum Service in the same manner as prior to the death of said John Newman, by the surviving partner and Ruby Newman, the widow of deceased who was appointed administratrix of his estate.

The partnership assets consist of nine vacuum tank trucks and other miscellaneous equipment. During the twelve months period ending March 31, 1956, the operation showed an operating profit of \$37,511.35 from a total income from operations of \$205,771.68. The net worth of the partnership assets is shown as \$72,076.17. The order and decree of final distribution directed the transfer of this partnership interest of John Everett Newman, also known as John Newman, deceased, to applicant herein, Ruby Newman.

The Commission finds that the proposed transfer of operative rights and property and their operation by said Ruby Newman and Alfred Flekal as partners will not be adverse to the public interest. The authority requested will therefore be granted. A public hearing is unnecessary. The action taken herein shall not be construed as a finding of the value of the operative rights or other property herein authorized to be transferred.

ORDER

Application therefor having been made, and the Commission having considered the matter and being of the opinion that a public hearing is unnecessary and that the application should be granted as herein provided,

Now Therefore, IT IS ORDERED:

(1) That Ruby Newman is authorized to ^{transfer} ~~distribute~~ to herself the partnership interest of her deceased husband, John Newman, in the operative rights and property of the former

firm of John Newman and Alfred Flekal granted by Decision No. 50391 dated August 10, 1954 in Application No. 35165, and she and said Alfred Flekal as partners are authorized to exercise said operative rights.

(2) That within sixty days after the effective date of this order and on not less than ten days' notice to the Commission and the public, applicants Ruby Newman and Alfred Flekal, as partners, shall amend tariffs on file with the Commission to show that Ruby Newman has withdrawn as Administratrix of the Estate of John Everett Newman and that said Ruby Newman and Alfred Flekal have adopted as their own said tariffs.

The effective date of this decision shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 23rd day of October, 1956.

[Signature]
 President
[Signature]
[Signature]
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 Commissioners