

ORIGINALDecision No. 54038

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Earl G. Turner, doing business as)	
TURNER'S TANK LINE, to sell, and)	
POMONA TANK LINE, a California)	Application No. 38393
corporation, to buy a certificate)	
of public convenience and necessity)	
to operate as a petroleum irregular)	
route carrier.)	

O P I N I O N

By this application filed September 13, 1956, Earl G. Turner, doing business as Turner's Tank Line, requests authority to sell and Pomona Tank Line, a California corporation, to purchase the operative rights and equipment of Earl G. Turner. These operative rights were granted to the seller by Decision No. 44582, dated July 25, 1950 in Application No. 31134.

As justification for the relief sought it is alleged that applicant Turner is ill and must be moved to the State of Oregon. The proposed purchaser has been operating as a petroleum irregular route carrier within limited portions of the state.¹

Pomona Tank Line is desirous of operating throughout the entire State of California. It has also been restricted against carrying products in pressurized or insulated tanks. By acquiring this unlimited certificate and the seller's equipment Pomona Tank Line will be in a position to better serve its present customers and it can also serve the customers of the seller.

The consideration for the purchase of the operative rights and equipment is \$15,000, payable \$1,500 upon the filing of this application and the balance, amounting to \$13,500, in twenty-four

¹ Decision No. 42849 dated May 10, 1949, in Application No. 29840.

equal payments, plus interest on the unpaid balance at the rate of six per cent per annum. Of the \$15,000 to be paid \$14,990 is said to represent the value of the equipment and \$10 the value of the operative rights.

The purchaser appears to be in a satisfactory financial position and to be adequately experienced. With the equipment herein authorized to be purchased and its present equipment the purchaser should have adequate equipment to carry on enlarged operations.

After full consideration of the application the Commission is of the opinion that the transfer of operative rights and equipment should be authorized. The purchaser should be able to meet the payments as provided by the proposed sales agreement without in any respect curtailing its operations. Such transfer is found not to be adverse to the public interest. A public hearing is unnecessary. The action taken herein shall not be construed to be a finding of the value of the property 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 not necessary, that the application should be granted, as hereinafter provided, that the money, property or labor to be procured or paid pursuant to the above contract of purchase is reasonably required for the purpose of acquiring the operative rights and equipment of applicant Turner, and that such purpose is not, in whole or in part, reasonably chargeable to operating expense or to income; therefore,

IT IS HEREBY ORDERED:

(1) That Earl G. Turner may transfer his operative rights and equipment to Pomona Tank Line, a corporation, such transfer to be made as set forth in this application on or before December 15, 1956.

(2) That Pomona Tank Line may execute the proposed sales agreement in the form attached to the application as Exhibit "A" and may incur an indebtedness in the sum of \$13,500 payable in twenty-four equal monthly installments plus interest at the rate of 6 per cent per annum.

(3) That on not less than five days' notice to the Commission and to the public, applicants shall supplement or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved to show that Earl G. Turner has withdrawn or cancelled and that Pomona Tank Line, a corporation, has adopted or established, as its own, said rates, rules and regulations. The tariff filings made pursuant to this 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.

(4) That Pomona Tank Line, a corporation, shall file with the Commission a report, or reports, as required by General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

(5) That Pomona Tank Line shall advise the Commission when the transfer has been completed and shall file a copy of any instruments of transfer executed by the parties and upon the submission of such advice the certificate of public convenience and necessity issued by Decision No. 42849, dated May 10, 1949, in Application No. 29840 shall be thereby cancelled and revoked.

(6) That this decision shall become effective when applicant Pomona Tank Line has paid the fee of \$25.00 required by Section 1904 of the Public Utilities Code.

Dated at San Francisco, California, this 5th day of NOVEMBER, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner [Signature] did not participate in the disposition of this proceeding.

