

ORIGINAL

Decision No. 54248

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 OREGON NEVADA CALIFORNIA FAST FREIGHT,)
 INC., a corporation, for authority to)
 sell and transfer to ROUSH TRANSPORTA-)
 TION CO., INC., a corporation, and)
 ROUSH TERMINALS, INC., a corporation,)
 operative rights and properties;)

and

In the Matter of the Application of)
 the said ROUSH TRANSPORTATION CO., INC.,)
 a corporation, and ROUSH TERMINALS,)
 INC., a corporation, for authority to)
 purchase and acquire the said operative)
 rights and properties;)

Application No. 38444

and

In the Matter of the Application of)
 the said ROUSH TRANSPORTATION CO., INC.,)
 a corporation, for authority to issue)
 certain shares of its capital stock.)

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 54193, dated December 4, 1956 in Applica-
 tion No. 38444, Roush Transportation Co., Inc., and Roush Terminals,
 Inc., were authorized to acquire the operative rights and property
 of Oregon Nevada California Fast Freight, Inc. The effective date
 of the order is December 14, 1956, the date upon which applicants
 desire to consummate the transfer. Paragraph 4 of the order, however,
 requires applicants to make appropriate tariff filings concurrently
 with the transfer on not less than five days notice. It is requested
 that the time of notice be reduced to two days so that the transfer
 can be negotiated on December 14, 1956.

It is also requested that Roush Terminals, Inc., be exempted from the
 provisions of Article 5, Chapter 4, Part 1 of Division 1 of the Public

Utilities Code. Said applicant was authorized to acquire the terminals and operating equipment only of Oregon Nevada California Fast Freight, Inc. It contends that it is not a public utility subject to the jurisdiction of this Commission. It has received a permit from the Department of Investment, Division of Corporations of the State of California, for authority to issue its shares of capital stock. In the event at some future time some court should hold that this Commission has jurisdiction over applicant it is contended that the effect on applicant's outstanding securities could be destructive and the consequences to the holders inequitable. To avoid the possibility of any such eventuality applicant Roush Terminals, Inc., requests the exemption heretofore mentioned. After consideration the Commission hereby finds that the application of said provisions to Roush Terminals, Inc., is not necessary in the public interest.

Therefore, good cause appearing, IT IS ORDERED:

1. That paragraph 4 of Decision No. 54193, dated December 4, 1956, in Application No. 38444 is hereby amended by reducing the time of notice from five days to two days.
2. That Roush Terminals, Inc., is hereby exempted from the provisions of Article 5, Chapter 4, Part 1 of Division 1 of the Public Utilities Code.

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

Dated at San Francisco California, this 11th day of DECEMBER, 1956.

[Signature]
 President

[Signature]

[Signature]
 Commissioners