

ORIGINAL

Decision No. 54670

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of FARNSWORTH AND RUGGLES, a
corporation, to sell and
CONSOLIDATED FREIGHTWAYS, INC.,
a corporation, to purchase, cer-
tain operating rights.

Application No. 38793

ORDER OF DISMISSAL

This is an application for an order authorizing Farnsworth and Ruggles, a California corporation, to transfer public utility warehouse operating rights to Consolidated Freightways, Inc.

Consolidated Freightways, Inc., is a corporation organized under the laws of the State of Washington. It conducts operations as a highway common carrier between various points and places in the State of California under a certificate of public convenience and necessity granted by the Commission and, in addition thereto, conducts operations as a common carrier by motor vehicles and as a warehouseman in various points and places outside of the State of California. It does not have tariffs on file with this Commission as a public utility warehouseman.

Section 704 of the Public Utilities Code reads as follows:

"Except as otherwise provided in this section, no foreign corporation, other than those which by compliance with the laws of this State are entitled to transact a public utility business within this State, shall henceforth transact within this State any public utility business, nor shall any foreign corporation which is at present lawfully transacting business within this State henceforth transact within this State any public utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact. No license, permit, or franchise to own, control, operate, or manage any public utility business or any part or incident thereof shall be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this State a public utility business of like character.

"Foreign corporations engaging in commerce with foreign nations or commerce among the several states may transact within this State such commerce and intrastate commerce of a like character. Any foreign corporation which complies with the laws of this State respecting foreign corporations, and which owns at least 90 percent of the outstanding capital stock of any other foreign corporation transacting a public utility business in this State, may succeed to the public utility business, franchises, and rights of such latter corporation and, thereafter continue and carry on such public utility business."

In view of the provisions of Section 704 of the Public Utilities Code, we are of the opinion that Consolidated Freightways, Inc., may not purchase the warehouseman's operative rights of Farnsworth and Ruggles nor engage in intrastate warehouse business in the State of California; therefore,

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IT IS HEREBY ORDERED that Application No. 38793 be,
and it hereby is, denied.

This order will become effective 20 days after the
date hereof.

Dated at San Francisco, California, this 19th
day of March, 1957.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners