

Decision No. 55507

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWARD J. FOURNIER of	)	
P. O. Box 72, Downieville, California,	)	
and Frank A. Misner of P. O. Box 47,	)	
Downieville, California, to transfer	)	
from Edward J. Fournier to Frank A.	)	
Misner, all of Edward J. Fournier's	)	Application No. 39252
right, title and interest in Decision	)	
No. 39570 and all of Edward J. Fournier's	)	
right, title and interest in Decision	)	
No. 39661 of the Public Utilities	)	
Commission of the State of California.	)	

O P I N I O N

By this application filed July 16, 1957, and amended August 8, 1957, authority is requested for the transfer by Edward J. Fournier of his certificate of public convenience and necessity as a highway common carrier of freight between Sacramento, Indian Flat and Downieville and of a 1950 used Mack truck for the consideration of \$10,000 to be paid \$3,000 in cash and the balance in monthly installments of \$200 per month. The seller's permits have previously been transferred to the buyer.

No financial statement of the purchaser is submitted. The truck is completely depreciated on the seller's books. According to the annual report of the seller, during 1956 he had a gross income of \$8,200 with operative expenses of \$5,200. No wages or salary was included as expense. Consequently, the proprietor's sole income from the operation must have been considered as wages.

The purchase price for the truck and operative rights appears to be so disproportionate to their actual value that the

Commission is of the opinion and finds that its payment will seriously impede the continued operation under the operative rights involved. Consequently, the Commission is unable to find that the public will not be adversely affected by the proposed transfer. A public hearing appears to be unnecessary. The application will be denied without prejudice.

ORDER

Application having been filed and the Commission being fully advised in the premises,

IT IS ORDERED that Application No. 39252 is denied without prejudice.

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

Dated at San Francisco, California, this 21st day of September, 1957.

W. E. ...  
President  
R. B. ...  
B. Hardy  
C. L. Fox

Commissioners