

Decision No. 55554**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 C. E. FORTIER and C. J. FORTIER, a)
 copartnership doing business as)
 FRESNO-GENERAL GRANT-CEDAR GROVE) Application No. 39280
 FREIGHT LINES, to sell and transfer,)
 and of E. W. SIMMONS, an individual,)
 to purchase certain operating rights)
 and equipment.)

O P I N I O N

C. E. Fortier and C. J. Fortier, a copartnership, doing business as Fresno-General Grant-Cedar Grove Freight Lines, requests authority to sell and transfer certain operating rights and equipment to E. W. Simmons.

A copy of the sales agreement attached to the application indicates the sale of one 1945 truck, good will and operating rights for a total consideration of \$4,000. The equipment is valued at \$2,000, good will at \$1,500 and operating rights at \$500. The agreement calls for a down payment of \$500 and the balance to be paid off at the rate of \$100 a month without interest.

The operating rights to be transferred are as follows:

- (a) Decision No. 30648, dated February 21, 1938, in Application No. 21764. General Commodities between Fresno and General Grant National Park, serving the intermediate points of Centerville, Minkler, Sears Corner, Squaw Valley, Dunlap, Miramonte, Pinehurst and Sequoia Lake.
- (b) That portion of Decision No. 40583, dated August 5, 1947, in Application No. 28491 authorizing the transportation of property between Wilsonia and Hume Lake, and intermediate points between Hume Lake and Cedar Grove and intermediate points.

Applicant E. W. Simmons appears to be financially capable of assuming the obligation and conducting the service.

After consideration, the Commission is of the opinion and so finds that the proposed transfer will not be adverse to the public interest and that the money, property or labor to be procured or paid for by the issue of the evidence of indebtedness, herein authorized, is reasonably required by applicants for the purpose specified herein, and that the expenditure for such purpose is not, in whole or in part, reasonably chargeable to operating expense or to income. The action taken herein shall not be construed to be a finding of the value of the rights and properties herein authorized to be transferred. A public hearing does not appear to be necessary.

O R D E R

Application having been filed and the Commission having been informed in the premises,

IT IS ORDERED:

(1) That on or before January 1, 1958, C. E. Fortier and C. J. Fortier may sell and transfer and E. W. Simmons may purchase and acquire the operating rights and equipment described in the sales agreement attached to the application as Exhibit D.

(2) That on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, 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 C. E. Fortier and C. J. Fortier have withdrawn or canceled and E. W. Simmons has adopted or established as his own said rates, rules and regulations.

(3) That E. W. Simmons may incur indebtedness of \$3,500 in accordance with the terms of the sales agreement attached to the application.

(4) That the authority herein granted in paragraph (3) hereof shall expire unless exercised on or before March 1, 1958.

(5) That this order shall become effective when applicants have paid the fee of \$25 as required by Section 1904 of the Public Utilities Code.

Dated at San Francisco, California, this 10th day of September, 1957.

[Signature] President
[Signature]
[Signature]
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Commissioners
 PUBLIC UTILITIES COMMISSION
 STATE OF CALIFORNIA
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