

ORIGINALDecision No. 58065

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 IRVING D. OSBURN and HARRY M. DITMORE,
 partners doing business as B AND O
 SERVICE COMPANY, and IRVING D. OSBURN,
 RUSSELL K. POWELL and GAIL TURLEY,
 partners doing business as B AND O
 SERVICE COMPANY, for authority for the
 former to transfer, and the latter to
 acquire, certain operative rights,
 equipment and other property.

Application No. 39554

O P I N I O N

Irving D. Osburn and Harry M. Ditmore, copartners doing business as B and O Service Company, request authority to sell and transfer certain operative rights and property to a newly formed copartnership consisting of Irving D. Osburn, Russell K. Powell and Gail Turley.

The operative rights were acquired by Decision No. 53237, dated June 12, 1956, in Application No. 37992 and authorize the operation of a service as a petroleum irregular route carrier.

According to a copy of a sales agreement attached to the application, the proposed transfer includes the one-half interest of Harry M. Ditmore in the operative right, real property, automotive equipment, and other assets including good will. A consideration of \$42,172 is to be paid to Harry M. Ditmore as follows: \$6,000 on or before November 1, 1957, \$6,000 on or before December 31, 1957, and the balance in installments of \$5,000 or more per year commencing August 1, 1958, plus interest at the rate of 4 per cent per annum, interest to commence on January 1, 1958, upon the balance due on said date. A value of \$125 is placed upon the irregular route certificate of public convenience and necessity. As of October 15,

1957, applicants Russell K. Powell and Gail Turley each indicated a net worth of approximately \$40,000.

After consideration, the Commission is of the opinion and so finds that the proposed sale and transfer would not be adverse to the public interest and that the money, property or labor to be procured or paid for by the evidenced indebtedness herein authorized is reasonably required by applicants for the purpose specified herein and such purpose is not in whole or in part reasonably chargeable to operating expenses or to income. A public hearing does not appear to be necessary.

O R D E R

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

IT IS ORDERED:

(1) That on or before April 1, 1958, Irving D. Osburn and Harry M. Ditmore, doing business as B and O Service Company, may sell and transfer, and Irving D. Osburn, Russell K. Powell and Gail Turley, doing business as B and O Service Company, may purchase and acquire, the operating authority and properties described in Exhibit A attached to the application in accordance with the terms set forth therein and may incur the payment of long-term indebtedness as provided in said exhibit.

(2) That, within thirty days after the consummation of the transfer herein authorized, the purchasers shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

(3) 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 amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, to show that Irving D. Osburn and Harry M. Ditmore, doing business as B and O Service Company, have withdrawn or canceled, and Irving D. Osburn, Russell K. Powell and Gail Turley, doing business as B and O Service Company, have adopted or established, as their own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

This order shall become effective when applicants have paid the fee of \$43 as required by Section 1904 of the Public Utilities Code.

Dated at San Francisco, California, this 14th day of January, 1958.

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

