

ORIGINALDecision No. 56149

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ROBERT J. GARTEN and)
 CLAUDE T. COOPER, co-partners, doing)
 business under the name and style of)
 IMPERIAL CAR RENTAL for transfer of)
 Certificate of Public Convenience and)
 Necessity to ROBERT J. GARTEN, an in-)
 dividual.)

Application No. 39557

O P I N I O N

By Decisions Nos. 48932 and 49334, Robert J. Garten and Claude T. Cooper, copartners, doing business as Imperial Car Rental, were authorized to establish a passenger stage service between the City of El Centro and the Imperial County Airport restricted to passengers "arriving at and leaving from the Imperial County Airport in airborne vehicles".

By this application authority is sought to transfer Cooper's interest in the partnership to Garten. The dissolution agreement, Exhibit "A" filed with the application, provides for the transfer of all of Cooper's interest in and to the business and assets of the partnership, including the certificate of public convenience and necessity, to Robert J. Garten for a consideration of \$5,000 payable \$1,000 in cash and \$50 per month commencing June 22, 1956, plus an additional cash payment of \$500 to be made within ninety days of the date of the agreement, May 22, 1956.

A financial statement of Robert J. Garten and Jeanette Garten, his wife, as of December 31, 1956, shows tangible assets of

\$66,857.72 and liabilities of \$40,316.24, or a net worth of \$26,541.48. For the year 1956, the business showed an operational loss of \$563.50.

The Commission is of the opinion and finds that the proposed sale and transfer is not adverse to the public interest and therefore the application will be granted. A public hearing is not deemed necessary.

The action taken herein shall not be construed to be a finding of value of the properties authorized to be transferred.

O R D E R

Application having been made, the Commission being fully advised in the premises and good cause appearing,

IT IS ORDERED:

(1) That Claude T. Cooper may sell and transfer, on or before sixty days after the effective date of this order, to Robert J. Garten all of his right, title and interest in and to the certificate of public convenience and necessity and property hereinabove referred to, said sale to be made substantially upon the terms and conditions as set forth in the Agreement of Dissolution, Exhibit "A" filed with this application, and Robert J. Garten may acquire said right and property and shall continue to operate a transportation service as heretofore authorized by this Commission.

(2) On not less than five days' notice to the Commission and to the public effective concurrently with the consummation of such transfer, applicant 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 Robert J.

Garten and Claude T. Cooper, co-partners, doing business under the name and style of Imperial Car Rental have withdrawn or canceled and Robert J. Garten, an individual, has adopted or established as his own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 79.

(3) That in the event the authority herein granted is exercised, Robert J. Garten shall notify the Commission in writing of the fact within thirty days after the date of transfer.

(4) That Robert J. Garten may execute and enter into an agreement substantially upon the terms and conditions as set forth in the Dissolution Agreement, Exhibit "A" filed with the application, providing for purchase payments as therein set forth, it being the opinion of the Commission that the money, property and labor to be procured or paid for is reasonably required for the purpose specified herein and that such purpose, except as otherwise authorized, is not, in whole or in part, reasonably chargeable to operating expense or to income.

(5) The effective date of this order shall be when Robert J. Garten has paid to this Commission a fee as prescribed by Section 1904 (b) of the Public Utilities Code, which fee is \$25.

Dated at San Francisco, California,
this 21st day of January, 1958.

[Signature]
President
[Signature]
[Signature]
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Commissioners

