

ORIGINAL

Decision No. 56465

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of TRANS-OCEAN VAN SERVICE, INC., a corporation, COASTWISE VAN SERVICE, INC., a corporation, FAR EAST VAN SERVICE, INC., a corporation, and FOSTER FREIGHT LINES, INC., a corporation, for an order of exemption from the provisions of Article 5 and 6 of Chapter 4 of Part 1, Division 1 of the California Public Utilities Code.

Application No. 39922

OPINION AND ORDER

Trans-Ocean Van Service, Inc., Coastwise Van Service, Inc., Far East Van Service, Inc., and Foster Freight Lines, Inc., have filed this application for an order exempting them from the provisions of Article 5 and Article 6, Chapter 4, Part 1, Division 1 of the California Public Utilities Code.

Article 5 defines the jurisdiction of the Commission over the issue of securities by public utilities and Article 6, over the transfer or encumbrances of utility property. Section 829 of Article 5 reads as follows:

"This article shall not apply to any person or corporation which transacts no business subject to regulation under this part, except performing services or delivering commodities for or to public utilities or municipal or other public corporations primarily for resale or use in serving the public or any portion thereof but shall nevertheless apply to any public utility if the commission finds, in a proceeding to which the public utility is or may become a party, that the application of this article is required by the public interest. The commission may from time to time by order or rule, and subject to such terms and conditions as may be prescribed therein, exempt any public utility or class of public utility from the provisions of this article if it finds that the application thereof to such public utility or class of public utility is not necessary in the public interest."

Section 853 contains similar language with respect to exemption from the provisions of Article 6.

Trans-Ocean Van Service, Inc., Coastwise Van Service, Inc., and Far East Van Service, Inc., are California corporations which are engaged in business as agents for household goods common carriers with respect to the loading and overseas shipment of used household goods which are moving between points in the continental United States and points in the Pacific Ocean area. They do not have tariffs on file with this Commission naming rates for services as common carriers or public utilities. They are wholly owned subsidiaries of Foster Freight Lines, Inc.

Foster Freight Lines, Inc., is an Indiana corporation which is engaged in business as a motor vehicle common carrier of general commodities in midwestern United States. It has no tariffs on file governing service in the State of California. It is a wholly owned subsidiary of Consolidated Freightways, Inc., a Washington corporation, which operates as a common carrier under both interstate and intrastate authority in this state and elsewhere.

Trans-Ocean Van Service, Inc., Coastwise Van Service, Inc., and Far East Van Service, Inc., have adopted plans for dissolving and winding up their affairs and the transferring of their assets to Foster Freight Lines, Inc. In view of their participation as agents in the movement of traffic they desire to avoid any adverse effects which might follow a claim that they are public utilities and cannot legally transfer their assets without authorization from the Commission and hence they have filed this application to obtain

an order specifically exempting them from the provisions of the Public Utilities Code as permitted by Sections 829 and 853 of the code. Foster Freight Lines, Inc., for similar reasons, seeks exemption with respect to the issue of its securities.

The Commission has considered this matter without a hearing and is of the opinion, and so finds, that the application to the companies named herein, of the provisions of said Articles 5 and 6 is not necessary in the public interest, and that the requests for exemption should be granted, therefore,

IT IS HEREBY ORDERED, if and to the extent that this Commission has jurisdiction, that Trans-Ocean Van Service, Inc., Coastwise Van Service, Inc., Far East Van Service, Inc., and Foster Freight Lines, Inc., be, and they hereby are, exempted from the provisions of Article 5 and Article 6, Chapter 4, Part 1, Division 1 of the California Public Utilities Code.

This order is effective on the date hereof.

Dated at San Francisco, California, this 8th day of April, 1958.

[Signature]
 President

[Signature]

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Commissioners