

ORIGINALDecision No. 52925

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RALPH J. ALEXANDER and ERNEST J.
 SAHLI, copartners doing business as
 CALIFORNIA SPECIAL MESSENGER SERVICE
 (also known as KELLY TRANSFER COMPANY,
 CALIFORNIA SPECIAL DELIVERY SERVICE,
 and CITY MESSENGER SERVICE), to sell,
 and ENCINAL TERMINALS, a corporation,
 to purchase, a certificate of public
 convenience and necessity to operate
 as a highway common carrier.

Application No. 40112

O P I N I O N

Ralph J. Alexander and Ernest J. Sahli, doing business as California Special Messenger Service, request authority to transfer and sell, and Encinal Terminals requests authority to purchase and acquire, operative rights authorizing the transportation of general commodities between all points and places in the San Francisco-East Bay Cartage Zone.

Sellers operate within the cartage zone as a highway common carrier pursuant to Decision No. 51032. Purchaser operates as an ocean terminal and wharfinger, and holds no certificates as a highway common carrier; however, it does hold contract carrier and radial highway common carrier permits. For the year ending February 28, 1958, purchaser realized a net profit of \$134,591.97. As of February 28, 1958, it indicated net assets amounting to \$1,617,704.48.

According to a copy of the sales agreement attached to the application as Exhibit A, a cash consideration of \$6,500 will be paid for the operative rights and good will. A value of \$500 is placed upon the operative rights.

Applicants allege that sellers operate a messenger service in addition to their common carrier service and now wish to discontinue the common carrier phase of their operation; that purchaser presently owns and operates 22 pieces of equipment under its permitted authority and wishes to obtain a certificate to expand its operations and better serve its customers.

After consideration the Commission is of the opinion that the proposed transfer would not be adverse to the public interest. 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 November 1, 1958 Ralph J. Alexander and Ernest J. Sahli may sell and transfer and Encinal Terminals, a corporation, may purchase and acquire the operative rights granted in Decision No. 51032.

(2) That within thirty days after the consummation of the transfer herein authorized, the purchaser 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 operations here involved to show that Ralph J. Alexander and Ernest J.

Sahli have withdrawn or canceled and Encinal Terminals, a corporation, has adopted or established as its 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.

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

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

E. Lynn Fox
President
E. N. M. M. M. M.
Paul J. M. M. M.
W. M. M. M. M.
Theodore J. M. M. M.
Commissioners