

**ORIGINAL**Decision No. 57120

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 C. H. MILLER, an individual doing  
 business as C. H. MILLER TRANSPORTATION,  
 for authority to purchase, and  
 DON H. HAWKEY, an individual doing  
 business as HAWKEY TRANSPORTATION, to  
 sell certain designated highway common  
 carrier certificates.

Application No. 40174

O P I N I O N

C. H. Miller, doing business as C. H. Miller Transportation, requests authority to purchase and Don H. Hawkey, doing business as Hawkey Transportation, requests authority to sell certain highway common carrier certificates.

Seller is presently engaged as a highway common carrier for the transportation of lumber and forest products. Purchaser operates as a highway contract carrier and a substantial portion of his revenue is derived from the transportation of lumber and forest products. For the year ending December 31, 1957, seller realized a net profit of \$9,666.27.

The operative rights to be transferred were created by Decision No. 43424 and Decision No. 45016. Said operative rights are to be transferred for a cash consideration of \$3,000, which allegedly represents less than the acquisition cost to seller.

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 December 1, 1958, Don H. Hawkey may sell and transfer and C. H. Miller may purchase and acquire the operative rights granted in Decision No. 43424 in Application No. 29762 and Decision No. 45016 in Application No. 31421.

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Commission, naming rates, rules and regulations governing the operations here involved to show that Don H. Hawkey has withdrawn or canceled and C. H. Miller has adopted or established as his own said rates, rules and regulations.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 Los Angeles, California, this 5<sup>th</sup> day of August, 1958.

E. L. Fox  
President  
Donald Miller  
W. H. ...  
Richard ...  
Commissioners