

Decision No. 57253

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LEE JEFFORD and ALDO FENSKE,
doing business as JEFFORD & FENSKE,
to sell and transfer, and LEE JEFFORD
to purchase and acquire the operating
rights, equipment and assets of seller.

Application No. 40294

OPINION AND ORDER

This is an application for an order of the Commission (1) authorizing Lee Jefford and Aldo Fenske, a copartnership, to sell and transfer operative rights, business and properties to Lee Jefford, an individual, and (2) authorizing Lee Jefford to assume certain liabilities, execute a chattel mortgage, and issue a note in the principal amount of \$8,022.50.

Lee Jefford and Aldo Fenske, a copartnership doing business as Jefford & Fenske, operate as a petroleum irregular route carrier in the transportation of petroleum and petroleum products in tank trucks and tank trailers under authority of a state-wide certificate of public convenience and necessity granted by Decision No. 44249, dated May 26, 1950, in Application No. 31177. Aldo Fenske, the retiring partner, now desires to transfer his interest in the partnership to Lee Jefford, the remaining partner, in exchange for an \$8,022.50 note payable at the rate of \$50 per month, or more, including 5% per annum interest. Payment of the note will be secured by a chattel mortgage.

A review of the application shows that there will be no change in the management nor in the rates or service as the result of the transfer and that the same operative properties will be available as now are utilized in the present operations. We are of the opinion, and so find, that the transfer will not be adverse to the public interest, that the application should be granted, as herein provided, that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required by Lee Jefford for the purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income; therefore,

IT IS HEREBY ORDERED as follows:

1. Lee Jefford and Aldo Fenske, a copartnership, may sell and transfer to Lee Jefford, an individual, the operative rights granted by Decision No. 44249, dated May 26, 1950, and the business and properties as set forth in this application.

2. Lee Jefford, in acquiring said operative rights, business and properties, may assume the payment of outstanding liabilities, execute a chattel mortgage, and issue a promissory note in the principal amount of not exceeding \$8,022.50, payable at the monthly rate of \$50 or more including 5% per annum interest.

3. On not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants 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 Lee Jefford and Aldo Fenske have withdrawn or canceled and Lee Jefford 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. 80.

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

5. Within 30 days after executing the chattel mortgage and issuing the note herein authorized, Lee Jefford shall file a copy of each with the Commission.

6. The authority herein granted will become effective when Lee Jefford has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.

Dated at San Francisco, California, this 26th day of August, 1958.

E. J. Fox
President
John S. Mitchell
Walter D. ...
Theodore ...

Commissioners

