

ORIGINAL

Decision No. 5843A

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(a) GRILEY SECURITY FREIGHT LINES, a corporation, to purchase, and of FIELDS FREIGHT, INC., a corporation, by its Trustee in Bankruptcy, Frank M. Chichester, to sell a certificate of public convenience and necessity authorizing the transportation of general commodities, with certain exceptions, between Los Angeles and Goleta, pursuant to Sections 851-853 of the Public Utilities Code.

(b) GRILEY SECURITY FREIGHT LINES, a corporation, to consolidate said certificate of public convenience and necessity with the certificate of public convenience and necessity presently owned by it and to establish through rates, pursuant to Sections 1065-1066.

Application
No. 40918

O P I N I O N

By this application Fields Freight, Inc. (hereinafter sometimes referred to as Fields), a corporation, by Frank M. Chichester, Trustee in Bankruptcy, seeks authority to sell and transfer its operating right granted by Decision No. 51354, to Griley Security Freight Lines, a corporation.

Decision No. 51354 authorized the transportation of general commodities, with certain exceptions, between Los Angeles and named nearby points, on the one hand, and Goleta, on the other hand, serving various intermediate and off-route points as more specifically set forth in said decision.

By Decisions Nos. 53469 and 55273, Griley Security Freight Lines (hereinafter sometimes referred to as Griley), is authorized to transport general commodities, with certain exceptions, between

points within portions of Los Angeles, San Bernardino, Riverside and Orange Counties, as more specifically set forth in said decisions.

Fields Freight, Inc., has been adjudged a bankrupt, and in February 1959 the District Court of the United States, Southern District of California, by its order confirmed the sale of the operating right represented by Decision No. 51354 to Griley Security Freight Lines for the sum of \$22,000.00, which sum has been paid to said trustee.

By Decision No. 57937 this Commission authorized Fields Freight, Inc., to sell the operating right which is the subject of the application to Shoreline Express, a corporation. Applicants allege that a petition in bankruptcy having been filed by Fields prior to the consummation of said transaction, Fields, under the laws of the United States of America, no longer had any power or authority to dispose of its assets without approval of the Referee in Bankruptcy; that thereafter on the 18th day of February 1959 Frank M. Chichester was appointed Trustee of Fields, and in accordance with the laws of the United States of America he gave notice to all interested parties, including Shoreline Express, that he intended to sell the Fields certificate on the 26th day of February 1959 to the highest bidder for cash within twenty-four hours of sale; that the sale was conducted in the presence of the Referee in Bankruptcy who specifically ordered that the high bidder be required to pay the purchase price in full within twenty-four hours of sale; that Griley returned the highest competitive bid of Twenty-two Thousand Dollars (\$22,000.00) and the Fields certificate was sold to it; that because of the terms of the sale as prescribed by the Referee the parties were precluded from seeking the prior approval of this Commission for authority to consummate the same.

Financial statements filed with the application show the condition of applicant Griley Security Freight Lines as of January 31, 1959, to be as follows:

Total Assets	\$146,298.05	
Total Liabilities	<u>50,800.93</u>	
Net Worth		\$95,497.12
Represented by:		
Capital Stock Outstanding	25,000.00	
Earned Surplus	<u>70,497.12</u>	
		\$95,497.12

The net profit for the month of January 1959 was \$2,023.66.

Both the applicants presently participate in the rates set forth in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 18-B, Cal. P.U.C. No. 17 (Series of J. L. Beeler) William J. Knoell, Issuing Officer. Fields Freight, Inc., is a party to joint through rates in said tariff with Paul C. Miller, Executor of the Estate of Carl A. Miller, doing business as Mission Drayage Service; it is a party to joint through rates with Inland Transportation Corporation in Southern California Motor Freight Local and Joint Tariff No. 5, Cal. P.U.C. No. 5, T.A.L. Loretz, Agent; it also is a party to joint through rates with Consolidated Freightways, Inc., Culy Transportation Co., Inc., Delta Lines, Inc., Pacific Intermountain Express Co., Shippers Express Company, Sterling Transit Company, Inc., Watson Bros. Transportation Co., Willig Freight Lines and Western Truck Lines, Ltd., in California Common Carrier Motor Freight Local and Joint Tariff No. 1, Cal. P.U.C. No. 1, Interstate Freight Carriers Conference, Inc., Agent. Griley Security Freight Lines proposes to adopt the tariffs of Fields Freight, Inc., including its joint through rates with all of said highway common carriers.

The Commission having considered this matter 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 the value of the operative right herein authorized to be transferred.

O R D E R

Application having been made, the Commission being advised in the premises, having found facts as hereinabove set forth, and good cause appearing,

IT IS ORDERED:

(1) That Fields Freight, Inc., a corporation, and Frank M. Chichester, Referee in Bankruptcy, may sell and transfer, on or before sixty days after the effective date of this order, to Griley Security Freight Lines, a corporation, the certificate of public convenience and necessity referred to in the foregoing opinion, upon the terms and conditions as set forth in the application, and Griley Security Freight Lines may acquire and consolidate said certificate with its presently owned certificate of public convenience and necessity.

(2) That effective concurrently with the consummation of the transfer authorized by this order, Griley Security Freight Lines, a corporation, is substituted as a party to the authorized through routes and joint rates then in effect by Fields Freight, Inc., a corporation.

(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 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 Fields Freight, Inc., a corporation, has withdrawn or canceled and Griley Security Freight Lines, a corporation, has adopted or established as its 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.

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

Dated at San Francisco, California,
this 19th day of May, 1959.

E. Lynn Fox
President

Theodore X. Jensen

Matthew J. Dooley
Matthew J. Dooley, Commissioner
Date MAY 20 1959

Commissioners