

Decision No. 59387

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAME DAY DELIVERY SERVICE, a corporation,
 to purchase, and of JAMES G. ALBRIGHT, an
 individual doing business as ALBRIGHT
 TRANSPORTATION SERVICE, to sell a
 certificate of public convenience and
 necessity for the transportation of
 special commodities between various
 points in southern California, pursuant
 to Sections 851-853 of the California
 Public Utilities Code.

Application No. 41552

O P I N I O N

By this application, filed October 5, 1959, James G. Albright requests authority to sell and transfer, and Same Day Delivery Service, a corporation, seeks authority to purchase, equipment and operative rights described in Appendix A issued by Decision No. 54414 dated January 22, 1957, which rights authorize the transportation of special commodities between points in the Los Angeles Territory, on the one hand, and, on the other hand, San Diego. Both applicants participate in the rates set forth in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 17-A (Elmer Ahl Agent Series), W. J. Knoell, Issuing Officer. Same Day proposes to adopt the tariff of Albright.

The application sets forth a copy of the agreement between applicants which provides for the purchase and sale of operative rights of Albright, together with all goodwill associated with the business, and all but one unit of his motor vehicle equipment. The total purchase price is \$25,000, divided \$12,800 for automotive equipment and \$12,200 for intangibles. No allocation is made between the price paid for operative rights and goodwill.

Applicant purchaser presently operates a certificated common carrier service between points in the City of Los Angeles and points in the County to the east, west and south thereof, transporting general commodities with the usual exceptions. After a careful consideration of the allegations of the application and other relevant facts, the Commission is of the opinion and finds that the proposed transfer will not be adverse to the public interest. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

O R D E R

Application having been filed and the Commission being informed in the premises and finding that the money, property or labor to be procured or paid for by the execution of the agreement providing for the payment by the purchaser of \$19,000 in monthly installments of \$500, with interest on the unpaid balance of 6%, is reasonably required for the purposes specified therein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS ORDERED:

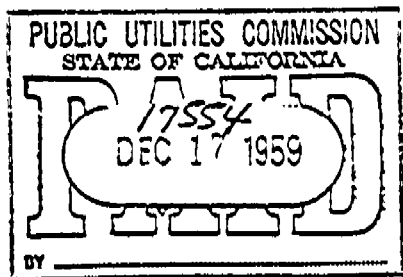
- (1) That on or before March 1, 1960, James G. Albright may sell and transfer, and Same Day Delivery Service, a corporation, may purchase and acquire, the operative equipment, the operative rights and the goodwill above described, and issue a promissory note, all pursuant to the contract, a copy of which is attached to the above-numbered application, which contract and promissory note applicants are hereby authorized to execute and perform.
- (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 said tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, to show that James G. Albright has withdrawn or canceled, and Same Day Delivery Service, 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 authority herein granted to issue a promissory note will become effective when Same Day Delivery Service has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25. In all other respects the effective date of the order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of December, 1959.



Handwritten signatures of officials, including the President and Commissioners.