

ORIGINALDecision No. 59804

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEORGE C. WIEDEMAN and FERN P.)
 WIEDEMAN, copartners, doing business)
 as BROOMCRIST AND WIEDEMAN, to sell,)
 and MILLAGE PRODUCE, INC., a corpo-)
 ration, to purchase operative rights)
 and motor vehicle equipment.)

Application No. 41898

O P I N I O N

George C. Wiedeman and Fern P. Wiedeman, doing business as Broomcrist and Wiedeman, request authority to sell and Millage Produce, Inc., requests authority to purchase certain highway common carrier operative rights and equipment.

The operative rights to be transferred authorize the transportation of property to various points within the Imperial Valley. The equipment to be transferred includes six pieces of fully depreciated automotive equipment. The parties have agreed to a cash consideration of \$5,000. Millage Produce, Inc., indicated a net worth of \$73,813.19 as of October 3, 1959. For the nine months ending September 30, 1959, it realized a net profit of \$14,272.75.

It is alleged that Mr. Wiedeman had to retire from active business because of poor health; that Millage Produce, Inc., presently operates a produce business in the proposed area and that through the utilization of its own equipment plus that which it proposes to acquire the sparsely populated area will continue to be served.

After consideration the Commission is of the opinion that the proposed transfer would not be adverse to the public interest. A public hearing is not 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 June 1, 1960, George C. Wiedeman and Fern P. Wiedeman, may sell and transfer, and Millage Produce, Inc., may purchase and acquire, the operative rights acquired in Decisions Nos. 44229, 47804, as amended, by 47947 and 48105, as well as the property described in Exhibit B attached to the application.
2. That, within thirty days after the consummation of the transfer herein authorized, the purchaser shall notify the Commission, in writing, of the 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, applicant shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, to show that George C. Wiedeman and Fern P. Wiedeman have withdrawn or canceled, and Millage Produce, Inc., 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 23rd day of March, 1960.

Cornell W. Peag
President
Robert Mitchell
Michael J. Gale
Edgar F. ...
Theodore Jensen
Commissioners