

ORIGINAL

Decision No. 59867

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(a) AETNA FREIGHT LINES, INC., a California corporation, to purchase, and of W. J. POPE and V. W. POPE, individually, doing business as AETNA FREIGHT LINES, to sell, a certificate of public convenience and necessity for the transportation of general commodities between various points in California, pursuant to Sections 851-853 of the California Public Utilities Code.

(b) AETNA FREIGHT LINES, INC., a California corporation, to issue shares of its common capital stock pursuant to Sections 816-830 of the California Public Utilities Code.

Application No. 40222
(Petition for Modification)

SECOND SUPPLEMENTAL ORDER

By Decision No. 58400, dated May 12, 1959, as amended, the Commission, among other things, authorized W. J. Pope and V. W. Pope to transfer operative rights to Aetna Freight Lines, Inc., on or before January 1, 1960. Ordering Paragraph 5 of said decision provided that the authorization granted by the decision would become effective when Aetna Freight Lines, Inc., filed with the Commission a stipulation in which it agreed that the operative rights shall be subject to the terms and conditions of the decision to be issued in Case No. 6177, which was an investigation on the Commission's own motion, then under consideration, into the operations, rates and practices of W. J. Pope and V. W. Pope.

Subsequently, on September 15, 1959, the Commission issued Decision No. 59006 on said Case No. 6177. The transfer of the operative rights to the corporation was consummated on January 1, 1960, but, for some reason, the required stipulation was not filed until March 3, 1960, the delay, according to applicants' counsel, being through inadvertence. Inasmuch as the purpose of said Ordering Paragraph 5 now has been accomplished and Aetna Freight Lines, Inc., has become subject to the terms and conditions of the order in Case No. 6177, counsel for applicants has requested the Commission to vacate said Ordering Paragraph 5 of Decision No. 58400, in order to remove any technical record defect in the transfer which might exist because of the late filing.

The Commission has considered this matter and is of the opinion that applicants' request should be granted, therefore,

IT IS HEREBY ORDERED that the Fifth Ordering Paragraph of Decision No. 58400, dated May 12, 1959, reading as follows:

"The authority herein granted will become effective when Aetna Freight Lines, Inc., has filed with the Commission a stipulation in which it agrees that the operative rights to be acquired by it under such authority shall be subject to the terms and conditions of the decision to be issued in Case No. 6177."

be, and it hereby is, vacated and set aside.

This second supplemental order shall become effective on the date hereof.

Dated at San Francisco, California, this 5th day of April, 1960.

[Signature]
 President

[Signature]

[Signature]

[Signature]

Theodore Jenner
 Commissioners