

60508

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RICHARD W. THORNHILL, an individual,)
 doing business as T & S Motor Express)
 Line to sell and transfer a certain)
 certificate of public convenience and)
 necessity and property used in con-)
 nection with the operation thereof to)
 KENNETH PARIS.)

Application No. 42337

O P I N I O N

Richard W. Thornhill, doing business as T & S Motor Express Line, requests authority to sell and transfer and Kenneth Paris requests authority to purchase and acquire certain property and highway common carrier operative rights.

The operative rights to be transferred authorize the transportation of special commodities between San Francisco, on the one hand, and certain points to the north of San Francisco located in Sonoma, Marin, Lake, Napa and Mendocino counties, on the other hand, and the transportation of general commodities locally between points located along specified highways in said counties.

It is alleged that on or about May 1, 1959, Seller transferred a 1/2 interest in said business to Buyer for a consideration of \$18,939.97. The transfer was consummated without the approval of this Commission because the attorney representing the parties was unaware that such approval was necessary. It is further alleged that the parties hereto have operated as partners for the past year; that they have difficulty in agreeing upon business policy which has had a detrimental effect upon the business; and that as a result it would be in the interest of all parties if applicant Buyer were authorized to acquire and operate the entire business.

According to the terms of the sale agreement, a copy of which is attached to the application, the transfer of the remaining 1/2 interest would be made for a cash consideration of \$3,500. In addition to the operative rights the sale includes the transfer of approximately 26 pieces of operating equipment in addition to certain office equipment. As of May 31, 1960, applicant Buyer indicated a net worth in the amount of \$252,386.57.

After consideration the Commission finds and concludes that the proposed transfer will 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 December 1, 1960, Richard W. Thornhill is hereby authorized to transfer and sell, and Kenneth Paris is hereby authorized to purchase and acquire, the operative rights granted by Decision No. 52217 in Application No. 36120, Decision No. 57069 in Application No. 40204 and Decision No. 59398 in Application No. 41358, as amended by Decision No. 59658 in Application No. 41358, according to the terms of the agreement attached to the application.
2. That, within thirty days after the consummation of the transfer herein authorized, Kenneth Paris 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, applicants shall, effective concurrently with the consummation of such transfer, amend or reissue

the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, including joint rate arrangements, to show that Richard W. Thornhill has withdrawn or cancelled and Kenneth Paris has adopted or established as his own, said rates, rules and regulations. The tariff filing 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 twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of August, 1960.

Creel B. Long
President
Ed. L. [unclear]
Mark [unclear]
E. Lynn Fox
Theodore [unclear]
Commissioners