

Decision No. 61814

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. C. FREESE COMPANY,	)	
a copartnership, and J. C. FREESE	)	
COMPANY, INC., a corporation, for an	)	
order canceling the operative rights	)	Application No. 42769
and tariffs of J. C. Freese Company	)	
and authorizing the filing of	)	
tariffs by J. C. Freese Company, Inc.	)	

ORDER OF DISMISSAL

J. C. Freese Company, a copartnership, is presently engaged exclusively in the transportation of petroleum products in bulk in tank vessels on waters of San Francisco Bay, the Sacramento and San Joaquin Rivers and tributaries thereto by virtue of Decision No. 35731, dated September 1, 1942. J. C. Freese Company, Inc., was recently formed for the purpose of taking over the business of the partnership.

Pursuant to a letter of advice from the Commission applicants filed the instant application requesting that this Commission issue its order determining that the transfer of assets, liabilities and business is not subject to its jurisdiction; that the operative rights and tariffs of the partnership be canceled and that the corporation be authorized to file its tariffs with this Commission.

Section 238(c) of the Public Utilities Code, as amended in 1955, reads as follows:

"Nothing in this code except those provisions relating to the regulation of rates shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in such service."

After consideration the Commission is of the opinion that no authority of this Commission is required for the proposed transfer

nor is a formal order of this Commission required to cancel the tariffs of the partnership and to authorize the filing of the corporation's tariffs.

Effective concurrently with the proposed transfer applicants are merely required, on not less than ten days' notice to the Commission and to the public, to supplement or reissue the tariffs on file with the Commission to show that R. F. Conway and C. C. Mogan, doing business as J. C. Freese Company, have withdrawn or canceled and J. C. Freese Company, Inc., has adopted or established as its own said rates, rules and regulations. Said tariff filing should comply with the regulations set forth in the Commission's Tariff Circular No. 2.

Therefore, good cause appearing,

IT IS ORDERED that Application No. 42769 is hereby dismissed.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of April, 1961.

*Carroll W. Pease*  
 President

*W. E. Mitchell*

*E. J. Fox*

*George L. Crow*

*Fredrick B. Hilblott*  
 Commissioners