

Decision No. 62204**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 BIG M TRUCKING COMPANY, a corporation,)
 to sell, and MILLAGE PRODUCE, INC.,)
 a corporation, to purchase operative)
 rights and motor vehicle equipment. }

Application No. 43435

O P I N I O N

Big M Trucking Company requests authority to sell and transfer and Millage Produce, Inc., requests authority to purchase and acquire certain operative rights and a 1950 Pike 35-foot semi-trailer.

By Decision No. 61352, dated January 17, 1961, in Application No. 42803 Big M Trucking Company was granted additional operating authority in the form of a restated certificate. The decision authorized the transportation of general commodities, with certain exceptions, between various points in Los Angeles, Riverside, and San Bernardino Counties. This authority would be transferred to Millage Produce, Inc., which is presently engaged in the transportation of property as a highway common carrier in the desert territory located generally easterly and northerly from San Bernardino.

According to the terms of the agreement a copy of which is attached to the application the consideration is \$5,000, payable as follows: \$1,000 in cash and \$4,000 in the form of a promissory note with monthly payments of \$80 including principal and interest at the rate of six percent per annum.

As of February 28, 1961 applicant buyer indicated a net worth in the amount of \$22,099.20.

It is alleged that applicant seller is a very small organization with limited capital, personnel and equipment; that it has not been able to develop sufficient traffic to enable it to operate at a profit; that applicant buyer is presently serving the sparsely settled desert area and that the acquisition of new area will contribute toward the development of trucking service to the growing desert communities.

After consideration the Commission finds and concludes that the proposed transfer would not be adverse to the public interest and that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required for the purposes specified herein, and that such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. The authorization herein granted shall not be construed as a finding of the value of the rights and equipment nor as a determination that the amounts referred to herein will be accepted as proper bases for an order authorizing the issue of securities. 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 October 1, 1961, Big M Transfer Company is hereby authorized to transfer and sell and Millage Produce, Inc., is hereby authorized to purchase and acquire, the operative rights granted by Decision No. 61352 in Application No. 42803 as well as the equipment referred to in the application.

2. That, within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in

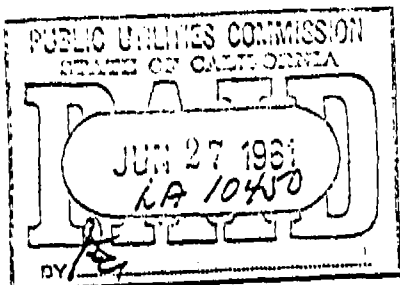
writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. That, on not less than five days' notice to the Commission and to the public, 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 to show that Big M Trucking Company has 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 in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

4. After the effective date hereof Millage Produce, Inc., may issue a note in the principal amount of not to exceed \$4,000 for the purposes specified in this application.

The authority herein granted to issue a note will become effective when applicant has paid the fee prescribed by Section 1904 (b) of the Public Utilities Code, which fee is \$25.00. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of JUNE, 1961.



Handwritten signatures and titles: President, S. Lynn Fox, George E. Brown, Frederick B. Hallock, Commissioners