

Decision No. 63260**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RICHARD C. SHORTALL, Executor and sole
 beneficiary under the Last Will of
 PATRICIA GILBOY SHORTALL, Deceased,
 ADA T. GILBOY and JOHN R. MALONEY as
 Co-executors and Trustees under the
 Last Will of THOMAS W. GILBOY,
 Deceased, and THOMAS E. GILBOY, to
 sell, and EDWARD HUNTER also known as
 ED HUNTER, to purchase and interest in
 operating rights and property of a
 highway common carrier.

Application No. 44066

OPINION AND ORDER

Richard C. Shortall (executor under the will of Patricia Gilboy Shortall), Ada T. Gilboy and John R. Maloney (co-executors and trustees under the will of Thomas W. Gilboy), Thomas E. Gilboy and Edward Hunter, request authority to sell and transfer, and Edward Hunter requests authority to purchase and acquire, certain highway common carrier operative rights and property.

The rights authorize the transportation of motion picture films and motion picture supplies between Los Angeles and three contiguous areas. They were granted by the following decisions:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
36854	2-8 -44	25847
38809	4-2 -46	27089
42450	1-25-49	29955
46971	4-8 -52	33127

In addition to the operative rights, the sale includes all cash, accounts receivable, securities, motor equipment, supplies, office furniture and office inventory. The agreed consideration is \$20,000 payable as follows:

- (a) \$10,000 in cash upon the execution of the sales agreement.
- (b) A promissory note for \$5,000 payable to Ada T. Gilboy and John R. Maloney, trustees under the will of Thomas W. Gilboy, and payable at the rate of \$50 a week for a period of 100 weeks.
- (c) Two promissory notes for \$2,500 each, one of which is payable to Thomas E. Gilboy and the other is payable to Richard C. Shortall, Executor of the Estate of Patricia Gilboy Shortall; each is payable at the rate of \$25 a week for a period of 100 weeks.

The proposed transfer contemplates dissolution of the partnership between applicant purchaser and applicant sellers and the continuation of such business by applicant purchaser, as an individual and sole owner under the firm name of Gilboy Company of Los Angeles.

By Decision No. 60745 dated September 13, 1960, in Application No. 33127, the operative rights of the partnership were suspended for failure to have evidence of liability protection on file with the Commission. Subsequently, by Decision No. 62909 dated December 5, 1961, in Application No. 33127, the operative rights were revoked but such order was automatically stayed by the filing of this application on December 28, 1961. To clear the Commission's records, Decision No. 62909 will be vacated on the effective date hereof and the suspension ordered by Decision No. 60745 will be vacated concurrently with the consummation of the transfer.

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 indebtedness herein authorized are 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. A public hearing is not necessary.

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED that:

1. Decision No. 62909 dated December 5, 1961, in Application No. 33127, is hereby vacated and set aside.

2. On or before July 1, 1962, Richard C. Shortall (as executor under the will of Patricia Gilboy Shortall), Ada T. Gilboy and John R. Maloney (as co-executors and trustees under the will of Thomas W. Gilboy), Thomas E. Gilboy and Edward Hunter may sell and transfer, and Edward Hunter may purchase and acquire, the operative rights and property heretofore referred to according to the terms of the sales agreement attached to the application.

3. Within thirty days after the consummation of the transfer herein authorized, Edward Hunter 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.

4. On not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the operations here involved, to show that sellers have withdrawn, and Edward Hunter has adopted or established as his 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.

5. After the effective date hereof, Edward Hunter may execute promissory notes in the amount of not to exceed \$10,000 on the terms and for the purposes heretofore specified.

6. Effective concurrently with the effective date of tariff filings required by paragraph 4 hereof, Decision No. 60745 dated September 13, 1960, in Application No. 33127, is hereby vacated and set aside.

The authorities granted in paragraphs 1 and 5 hereof will become effective when applicant has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25. In other respects, the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13th day of FEBRUARY, 1962.

George A. Grover
President
W. E. Mitchell
E. Lynn Fox
Frederick B. Holbrook
Commissioners

Commissioner George A. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

