

ORIGINALDecision No. 63667

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of OREGON NEVADA CALIFORNIA
 FAST FREIGHT, INC., a California
 corporation, to rescind a prior Order.

Application No. 44340

OPINION AND ORDER

Oregon Nevada California Fast Freight, Inc. (hereinafter at times referred to as O.N.C.) requests the rescission of Ordering Paragraph 2 of Decision No. 54193, dated December 4, 1956, in Application No. 33444 insofar as it restricts the sale of certain terminal property located on West Grand Avenue in the City of Oakland.

Ordering Paragraph 2 of Decision No. 54193 reads as follows:

"That, on or before April 1, 1957, Oregon Nevada California Fast Freight, Inc., may sell and transfer, and Roush Terminals, Inc., may purchase and acquire the property referred to in the application, however, that the authority herein granted is subject to the condition that such property is not relieved from its devotion to the public use, and that its status as public utility property shall continue as though no transfer had taken place, anything in any lease or other contract or agreement between the parties hereto to the contrary notwithstanding."

It is alleged that Roush Terminals, Inc., is a wholly owned subsidiary corporation of O.N.C., into which corporation Roush Terminals, Inc., is presently merging under authorization and order of the Interstate Commerce Commission; that Roush Terminals, Inc., has directed its corporate purpose to owning terminal properties and revenue equipment, but does not operate as a public utility; that one such terminal property subject to the above restriction is the one located on West Grand Avenue in Oakland; that

said property has not been devoted to the public utility purposes of O.N.C. since January, 1958; that Roush Terminals, Inc., proposes to sell said property to a private citizen for the sum of \$170,000; and that by the terms of the agreement time is of the essence requiring the ex parte relief herein sought for the purpose of removing an existing cloud on the title effected by Decision No. 54193.

After consideration the Commission finds and concludes that the terminal property in question, located on West Grand Avenue in Oakland, is not necessary or useful in the performance by Oregon Nevada California Fast Freight, Inc., of its duties to the public and that granting the authority requested would not be adverse to the public interest.

Therefore, good cause appearing,

IT IS ORDERED that the property described in Exhibit A attached to the instant application is hereby exempt from the provisions of Ordering Paragraph 2 of Decision No. 54193 in Application No. 38444.

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

Dated at San Francisco, California, this 8th day of May, 1962.

[Signature]
President
[Signature]
[Signature]
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Commissioners