

ORIGINAL

Decision No. 63748

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of U. S. DELIVERY, INC., a corporation, for authority to sell and transfer to DEALERS TRANSIT, INC., a corporation, a certificate of public convenience and necessity.

Application No. 44402

O P I N I O N

U. S. Delivery, Inc., requests authority to sell and transfer and Dealers Transit, Inc., requests authority to purchase and acquire certain highway common carrier operative rights.

The rights were created by Decision No. 45990, dated July 24, 1951, in Application No. 29828 and authorize the transportation of motor vehicles and related commodities throughout the State of California. Said authority was acquired by applicant buyer by Decision No. 52096, dated October 18, 1955, in Application No. 37216. Applicant buyer is a foreign corporation duly authorized to do business in California and is extensively engaged in the transportation of property, including motor vehicles, in intrastate commerce, interstate commerce and foreign commerce. By Decision No. 59718, dated February 29, 1960, in Application No. 41903, applicant buyer was authorized to sell to applicant seller the operating authority which it herein seeks to repurchase. The agreed cash consideration is \$100.

It is alleged that applicant buyer owns all of the outstanding capital stock of applicant seller; that the primary

purpose of the formation of applicant seller and the transfer of the California operating authority to it, was to enable it to perform the major part of buyer's California operations; that the transaction of such business by applicant seller has resulted in complicated and expensive office and accounting procedures, and maintenance of separate books of account; that applicant buyer is now expanding its western interstate operations and is in a position to take over, manage and operate the California intrastate business now being conducted by applicant seller; and that applicant buyer has all of the necessary facilities, personnel and equipment for that purpose.

After consideration, the Commission finds and concludes that the proposed sale would 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 that:

1. On or before November 1, 1962, U. S. Delivery, Inc., a corporation, may sell and transfer and Dealers Transit, Inc., a corporation, may purchase and acquire, the operative rights granted by Decision No. 45990.

2. Within thirty days after the consummation of the transfer herein authorized, Dealers Transit, Inc., 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. Applicants shall 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 U. S. Delivery, Inc., has withdrawn or canceled, and Dealers Transit, Inc., has adopted or established, as its own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. 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.

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

Dated at San Francisco, California, this 25th day of MAY 1962.

Charles W. ...
 President
...
...
George W. Hoover
Frederick B. Hubbard
 Commissioners