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ORIGINAL

Decision No. 63797

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
COAST LINE TRUCK SERVICE, INC., a
California corporation, to sell and
of JOHN J. HESSELBROCK and JACK
NICHOLS, a copartnership, doing
business as COAST LINE TRUCK SERVICE,
to purchase, a portion of a certifi-
cate of public convenience and
necessity to operate as a highway
common carrier in the transportation
of fresh fruits, fresh vegetables,
and berries, including mushrooms,
between various points in the State
of California as well as certain
other properties, pursuant to the
provisions of Sections 851-853 of
the California Public Utilities Code.

Application No. 42870

ORDER OF DISMISSAL

In January 1961, by Decision No. 61398 herein, Coast Line Truck Service, Inc., was authorized to transfer to John J. Hesselbrock and Jack Nichols the highway common carrier operative rights granted by Decision No. 61254 in Application No. 42796. On April 16, 1962, Walter D. James, vice president of Coast Line, filed a "Petition for Reinstatement of Operating Authority". Such petition alleges in substance that the purchasers of the certificate have not completed payment of monthly purchase installments, have gone into bankruptcy, and that in such bankruptcy proceedings a public auction was held for the certificate which Coast Line "still holds title to", as no bill of sale was issued to buyers Hesselbrock and Nichols before the bankruptcy proceeding, and such buyers have not complied with the agreement of sale attached to Application No. 42870.

On April 26, 1962, the Commission received from counsel for the trustee in bankruptcy a copy of an Order to Show Cause and Temporary Restraining Order, issued in the bankruptcy proceeding. (Re Coast Line Truck Service, in Bankruptcy No. 135,841-WB, U.S. Dist. Ct., So. Dist. of Calif., Cen. Div.) Such order restrained Coast Line Truck Service, Inc.; Walter D. James, Executive Vice President; and Oregon-Nevada-California Fast Freight, Inc., from undertaking any proceedings whatsoever before the Public Utilities Commission or otherwise, with respect to the certificate hereinabove mentioned. A permanent restraining order issued on May 3, 1962, restraining the parties named from taking any action interfering with the Court order authorizing the trustee to sell the certificate.

The Petition for Reinstatement of Operating Authority, filed April 16, 1962, is hereby dismissed. It is understood that appropriate application will be made for authorization to effect any transfer of the certificate sanctioned in the bankruptcy proceeding.

Dated at San Francisco, California, this 12th day of JUNE, 1962.

[Signature]
President

[Signature]

[Signature]

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Commissioners