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Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TORREY TRUCKING, INC., a corporation,)
 to sell, and PADRE FREIGHT LINES, a)
 corporation, to buy, a certificate)
 of public convenience and necessity)
 as a highway common carrier and for)
 authority for PADRE FREIGHT LINES to)
 issue stock.)

Application No. 45091

O P I N I O N

The purpose of this application is to secure authorization of the Commission for Torrey Trucking, Inc., (hereinafter called "Torrey") to transfer and sell to Padre Freight Lines (hereinafter called "Padre") a certificate of public convenience and necessity (Decision No. 63131 in Application No. 43023), authorizing transportation of general commodities with certain exceptions between the San Diego territory and the Los Angeles territory, including all intermediate points on U. S. Highways 101 and 101 Alternate; between the San Diego territory and Los Angeles territory and intermediate points on U. S. Highways 101 and 101 Alternate, on the one hand, and the Los Angeles Basin territory, on the other hand; and the San Diego territory, on the one hand, and points on and within 15 miles laterally on U. S. Highway 80 between San Diego Territory and Winterhaven, inclusive, on the other hand; with certain restrictions against providing local service.

It is alleged that Torrey is presently conducting operations as a highway common carrier under the certificate of public convenience and necessity herein sought to be transferred and also conducts operations as a permitted carrier under permits issued by this Commission. Torrey desires to engage solely in operation as a permitted carrier. Authorization of the sale of its certificate to Padre will insure that the public will continue to receive the

service which Torrey has been providing under its certificate. In the event that approval is granted by this Commission for Torrey to transfer its certificate to Padre, Torrey will continue to operate as a permitted carrier.

Padre Freight Lines has been a partnership conducting operations as a permitted carrier in the southern California area since April 1962. The partnership consists of Harold F. Culy, Donald O. Culy, D. Paul Culy, Richard Culy and Frank O. Culy, Jr. The business of the partnership has been and is being managed by E. E. Padilla, Jr. Each of these persons has been involved in the operation of transportation companies in California over a period of years.

A corporation has been formed to take over and to operate the business of the partnership. Padre seeks authority to issue \$44,000 par value of its capital stock in exchange for equipment and other assets, subject to outstanding liabilities, of the partnership, and to provide \$4,000 of additional working capital. A pro forma balance sheet as of November 1, 1962, giving effect to the proposed transactions is attached to the application as Exhibit G.

The Commission having considered this matter finds that the proposed sale and transfer is not adverse to the public interest, that the application should be granted, and that the money, property or labor to be procured or paid by the issuance of the stock herein authorized is reasonably required for the purposes specified 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. The action taken herein shall not be construed to be a finding of the value of the operative rights, equipment and other assets to be transferred.

O R D E R

IT IS ORDERED that:

1. Torrey Trucking, Inc., a corporation, may sell and transfer, on or before sixty days after the effective date of this order, to Padre Freight Lines, a corporation, all of its rights, title and interest in and to the certificate of public convenience and necessity referred to in the foregoing opinion, and Padre Freight Lines may acquire said rights and property and shall operate a transportation service as heretofore authorized by this Commission by Decision No. 63131, subject to the conditions and restrictions therein set forth.

2. Within thirty days after the consummation of the transfer herein authorized Padre Freight Lines 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 Torrey Trucking, Inc., has withdrawn or canceled and Padre Freight Lines has adopted or established, as its own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than ten days after the effective date of this order, on not less than ten days' notice to the Commission and to 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. 20-A.

4. Padre Freight Lines, for the purposes set forth in this application, may assume outstanding indebtedness and issue not to exceed 44,000 shares of stock at \$1 per share, after the effective date of this order.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 8th day of MARCH, 1963.

George G. Grover
 President

Walter H. Teague

Fredrick B. Holoboff

William M. Bennett

 Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.