

**ORIGINAL**

Decision No. 65678

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CITIES FUEL LINES, a California )  
corporation, d/b/a/ EMPIRE TRANSPOR- )  
TATION COMPANY, to sell and transfer, )

and of )

LONNIE CASE TRUCKING, Inc., a )  
California corporation, to purchase )  
and acquire the operative rights of )  
CITIES FUEL LINES, a corporation, )  
d/b/a/ EMPIRE TRANSPORTATION COMPANY, )  
conducted under and pursuant to )  
Decision No. 42866 dated 10 May 1949 )  
in Application No. 30036 and Decision )  
No. 47758 dated 30 September 1952 in )  
Application No. 36601 as modified by )  
Decision No. 55605 dated 24 September )  
1957 in Application No. 30036. )

Application No. 45419

O P I N I O N

Cities Fuel Lines requests authority to sell and transfer and Lonnie Case Trucking, Inc., requests authority to purchase and acquire certain operating rights authorizing the transportation of petroleum products as a highway common carrier and petroleum irregular route carrier.

The operating authorities were granted by Decision No. 42866 in Application No. 30036 and Decision No. 47758 in Application No. 33601. Applicant purchaser presently operates as a certificated and permitted carrier. As of December 31, 1962, applicant purchaser indicated a net worth in the amount of \$23,134.34. The agreed cash consideration is \$1,000.

It is alleged that applicant seller is now bankrupt and that the sale is pursuant to order of the United States District

Court for the Southern District of California, Northern Division,  
dated March 27, 1963.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

The certificates of public convenience and necessity held by Cities Fuel Lines have been suspended under the provisions of General Order No. 100-B since August 9, 1962, for failure to have on file requisite evidence of liability insurance, and by Decision No. 64249 dated September 11, 1962, in Applications Nos. 30036 and 33601, for failure to have tariffs on file with the Commission as required by Sections 486 and 493 of the Public Utilities Code. The latter suspension on the certificates will be vacated when common carrier tariffs are filed with the Commission naming rates on the same level, subject to outstanding minimum rate orders, as rates previously published by Cities Fuel Lines.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1963, Cities Fuel Lines may sell and transfer, and Lonnie Case Trucking, Inc., may purchase and acquire, the operative rights referred to in the application and establish service thereunder.
2. Within thirty days after the consummation of the transfer herein authorized, Lonnie Case Trucking, 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. Lonnie Case Trucking, Inc., shall issue or cause to be issued tariffs satisfactory to the Commission, naming rates, rules and regulations governing the common carrier operations herein, such rates to be on the same level, subject to outstanding minimum rate orders, as rates previously published by Cities Fuel Lines. 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 and establishment of service 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-A.

4. Effective concurrently with the effective date of tariff filings made pursuant to paragraph 3 hereof, the suspension of the certificates ordered by Decision No. 64249 dated September 11, 1962, in Applications Nos. 30036 and 33601, is hereby vacated and set aside.

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

Dated at San Francisco, California, this 9th day of JULY, 1963.

William L. Bernard  
President  
George A. Hoover  
Frederick B. Hallock  
Commissioners