

65743

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of GARRETT FREIGHTLINES, INC., a )  
corporation, UNITED STATES EXPRESS, )  
a corporation, and WALTER J. HEMPY, )  
as Assignee for the benefit of )  
creditors of UNITED STATES EXPRESS, )  
for authority of GARRETT FREIGHTLINES, )  
INC., to purchase the operative rights )  
of UNITED STATES EXPRESS. )

Application No. 45552

ORDER GRANTING TEMPORARY AUTHORITY

On June 24, 1963, Garrett Freightlines, Inc., a corporation, United States Express, a corporation, and Walter J. Hempy, as Assignee for the benefit of creditors of United States Express, applied to this Commission for authority to sell and transfer the operating authority of United States Express to Garrett Freightlines, Inc. The application requested an immediate ex parte order vacating the suspension of the operating rights of United States Express and authorizing Garrett Freightlines, Inc., to commence immediate operation under the certificate originally issued to United States Express.

On July 11, 1963, a petition to intervene and protest was filed by fourteen other highway common carriers to request that the matter be set for hearing and that the application be denied.

Pursuant to the filed protest and the complaint in Case No. 7540, which requests an order restraining the transfer involved herein, this application has been consolidated for hearing on September 4, 5 and 6, 1963, with Case No. 7540.

On July 15, 1963, a letter was received from the counsel for United States Express which advised that the Interstate Commerce Commission had already approved a temporary transfer of the operating authority granted by Commission Decision No. 60768, in Application No. 42111; and that the Interstate Commerce Commission order will be of no force and effect unless operations are instituted on or before July 27, 1963. The letter requests an order from this Commission authorizing temporary transfer of the operating authorities named in the Interstate Commerce Commission order.

It appearing that the operating rights granted to United States Express, a corporation, by Decision No. 60768 dated September 20, 1960, in Application No. 42111, were suspended until further order by this Commission by Decision No. 64743 dated January 8, 1963, in Application No. 44987, and that the tariffs issued to and used by United States Express have been cancelled by the tariff agent thereof, and

It further appearing that application has been made to transfer the operating rights of United States Express to Garrett Freightlines, Inc., that the latter company has received a temporary transfer of these operating rights from the Interstate Commerce Commission and that a failure to obtain a transfer from this Commission may render the use of the interstate rights impractical and thereby lessen in value the claims of creditors of United States Express, we therefore find that:

The temporary transfer of operating rights from United States Express to Garrett Freightlines, Inc., will not be adverse to the public interest.

Upon consideration of the foregoing findings, we therefore conclude that the transfer should be authorized as stated in the following order.

IT IS ORDERED that:

1. Garrett Freightlines, Inc., a corporation, and an applicant herein, is hereby authorized to lease from United States Express on a temporary basis, until final determination of this application by the Commission, the operating authority covered by Decision No. 60768, in Application No. 42111, and to continue the operations formerly conducted by United States Express.

2. Garrett Freightlines, 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 United States Express. The tariff filings shall be made effective not earlier than July 27, 1963, after the effective date of this order on not less than one day's notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the 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.

3. Effective concurrently with the effective date of tariff filings made pursuant to paragraph 2 hereof, the suspension of the

certificate ordered by Decision No. 64743 dated January 8, 1963,  
in Application No. 44987, is hereby vacated and set aside.

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

Dated at San Francisco, California, this 23rd  
day of July, 1963.

William B. Bennett  
President  
George A. Hoover  
Frederic B. Holcomb  
Commissioners