

ORIGINAL

Decision No. 65885

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of

SIGNAL TRUCKING SERVICE, LTD.,
a corporation,

and

C. A. WORTH & CO., a corporation,

for authority to merge the latter
corporation into the former.

Application No. 46072
Filed January 3, 1964
and Amendment
Filed January 21, 1964

O P I N I O N

This is an application for an order of this Commission authorizing C. A. Worth & Co. to merge into Signal Trucking Service, Ltd.

C. A. Worth & Co. is a California corporation operating as a highway common carrier of general commodities, with certain exceptions, in the San Francisco Bay Area under certificates of public convenience and necessity acquired pursuant to authority granted by Decision No. 61755, dated April 4, 1961, in Application No. 43149, and by Decision No. 63284, dated February 20, 1962, in Application No. 43739. In addition, it operates as a public utility warehouseman in the City and County of San Francisco under a certificate of public convenience and necessity granted by Decision No. 63336, dated February 26, 1962, in Application No. 43846.

Signal Trucking Service, Ltd. operates as a public utility warehouseman in Los Angeles County and as a highway common carrier in central and southern California pursuant to various operative rights granted by this Commission.

Both applicants are also subject to the jurisdiction of the Interstate Commerce Commission and have filed with that Commission an application requesting authority to merge the two corporations, which application was pending at the time of the filing of this application.

After consideration, the Commission finds that:

(1) Subsection 11 of Section 5 of the Interstate Commerce Act confers upon the Interstate Commerce Commission exclusive and plenary jurisdiction over the proposed merger; and (2) the proposed transfer of the California intrastate highway common carrier and public utility warehouseman certificates of public convenience and necessity now held by C. A. Worth & Co. to Signal Trucking Service, Ltd., concurrently with consummation of said merger, would not be adverse to the public interest. A public hearing is not necessary.

On the basis of the foregoing findings, we conclude that: (1) this Commission has no jurisdiction over the proposed merger and the application should be dismissed with respect thereto; and (2) concurrently with consummation of said merger, C. A. Worth & Co. should be authorized to transfer to Signal Trucking Service, Ltd. all of its certificates of public convenience and necessity acquired pursuant to authority granted by this Commission.

The action taken herein shall not be construed to be a finding of the value of the operative rights herein authorized to be transferred. So far as the rights are concerned, the authorization herein granted is for the transfer of only the California intrastate highway common carrier and public utility warehouseman certificates of public convenience and necessity now held by C. A. Worth & Co. The transfer of permitted operative rights must be the subject of a separate application, or applications.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1964, and concurrently with the merger of C. A. Worth & Co. into Signal Trucking Service, Ltd., the former may transfer, and the latter may acquire, the operative rights referred to in the application, as amended.

2. Within thirty days after the consummation of the transfer herein authorized, Signal Trucking Service, Ltd. 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. Signal Trucking Service, Ltd. shall amend or re-issue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier and warehouse operations herein to show that it 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 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 Orders Nos. 61-A and 80-A.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Signal Trucking Service, Ltd. shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

5. This application, insofar as it contemplates jurisdiction of this Commission over the proposed merger of C. A. Worth & Co. into Signal Trucking Service, Ltd., is dismissed.

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

Dated at Los Angeles, California,
this 3rd day of MARCH, 1964.

George H. Hoover

Frederick B. Holcomb

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

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