

ORIGINAL

Decision No. 67654

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 ARVIL E. BAINBRIDGE, an individual,)
 doing business as BORREGO FREIGHT)
 LINES, to sell, and AZTEC TRANSPORTATION)
 CO., INC., a California corporation, to)
 purchase a Certificate of Public)
 Convenience and Necessity pursuant to)
 Sections 851-853 of the California Public)
 Utilities Code.)

Application No. 46676
 (Filed May 27, 1964)

O P I N I O N

Arvil E. Bainbridge, doing business as Borrego Freight Lines, requests authority to sell and transfer, and Aztec Transportation Co., Inc., requests authority to purchase and acquire, certain highway common carrier authority.

The operating authority was granted by Decision No. 42586, dated March 8, 1949, in Application No. 29870, and Decision No. 44845, dated September 6, 1950, in Application No. 31585, authorizing the transportation of general commodities, with the usual exceptions, between San Diego, on the one hand, and points and places within Borrego Valley, on the other hand.

The agreed cash consideration is \$5,000 payable as follows: \$1,000 cash and the balance in the form of a promissory note payable in annual installments of \$1,000 with interest at the rate of 8 percent on the unpaid balance, commencing after the first year of the note.

Applicant purchaser is presently authorized to operate as a highway common carrier for the transportation of general commodities, with the usual exceptions, between points within the San Diego Territory. It owns and operates 27 units of equipment and

as of January 31, 1964, it indicated a net worth in the amount of \$37,112.61.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that the issue of the promissory note herein authorized is reasonably required for the purposes specified herein and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before January 15, 1965, Arvil E. Bainbridge may sell and transfer, and Aztec Transportation Co., Inc., may purchase and acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Aztec Transportation Co., 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. Aztec Transportation Co., Inc., shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier 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 thirty days after the effective date of this order or 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 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. On or before the end of the third month, after the consummation of the transfer as herein authorized, Aztec Transportation Co., Inc., 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. After the effective date hereof applicant purchaser may issue an 8 percent promissory note in the principal amount of \$4,000.

The authority herein granted to issue a note will become effective when applicant has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.00. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4th day of AUGUST 1, 1964.

Frederick B. Holdcroft
President
Carol A. Pasqua
George H. Prover

Commissioners

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

Commissioner William M. Bennett, being -3- necessarily absent, did not participate in the disposition of this proceeding.

