

Decision No. 67725**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of EMMETT LESTER, doo LESTER'S TRUCKING SERVICE for an Order Authorizing him to Assign and Sell to RAYMOND ERTA his Common Carrier Certificate and Equipment, and in the Matter of Application of RAYMOND ERTA for an Order Authorizing him to operate as a Highway Common Carrier as Defined in Section 213 of the Public Utilities Code for the Transportation of Property Between the Points More Particularly Set Forth in Appendix "A" and Appendix "B" attached hereto and made a part hereof.

Application No. 46768

O P I N I O N

Emmett Lester by Edward Lester, his attorney in fact, requests authority to sell and transfer and Raymond Erta requests authority to purchase and acquire certain property and operating authority as a highway common carrier.

The operating rights were granted by Decision No. 54646 in Application No. 36268 and authorize the transportation of fish and empty containers between the San Francisco Territory, on the one hand, and Moss Landing, Santa Cruz and Monterey, on the other hand. Also included as part of the agreement are three units of equipment. The agreed consideration is \$4,847 payable as follows: \$1,347 in cash and payment of an outstanding service station bill in the amount of \$3,500.

It is alleged that applicant seller is in poor health and has been hospitalized pursuant to court order. According to his application, applicant purchaser has been managing the business for a number of months and is familiar with its operation. As of June 15, 1964, applicant purchaser indicated a net worth in the amount of \$45,800.

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

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 March 1, 1965, Emmett Lester by Edward Lester, his attorney in fact, may sell and transfer, and Raymond Erta 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, Raymond Erta 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. Raymond Erta shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that he has adopted or established

as his own, said rates and rules. 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 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, Raymond Erta 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.

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

Dated at San Francisco, California, this 18th
day of AUGUST, 1964.

Frederick B. Holdhoff
President
John A. ...
Evelyn ...
George A. Hoover
William M. Bennett
Commissioners