

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ALLISON R. BOYD, an)
 individual, dba JOHNSON TRANSFER &)
 TRUCKING CO., to transfer and of)
 PACIFIC TRANSPORTATION AND)
 WAREHOUSE CO., INC., a corporation,)
 to acquire the certificate of public)
 convenience and necessity and certain)
 motor vehicle equipment of ALLISON R.)
 BOYD, dba JOHNSON TRANSFER & TRUCKING)
 CO.; and of PACIFIC TRANSPORTATION)
 AND WAREHOUSE CO., INC., to issue)
 notes.)

Application No. 46895
Filed August 17, 1964

O P I N I O N

This is an application for an order of the Commission authorizing Allison R. Boyd, an individual doing business as Johnson Transfer & Trucking Co., to lease, sell and transfer, and Pacific Transportation and Warehouse Co., Inc. to hire, purchase and acquire, a highway common carrier certificate of public convenience and necessity, together with certain related assets.

By Decision No. 63953, dated July 17, 1962, in Application No. 43841, the Commission granted to Allison R. Boyd, doing business as Johnson Transfer & Trucking Co., a certificate of public convenience and necessity authorizing him to operate as a highway common carrier of general commodities, with certain exceptions, between all points and places within the Los Angeles Basin Territory. The owner

reports that he is physically unable to continue operations as a motor carrier and that, for this reason, he desires to retire from business.

Under the terms of a Purchase Agreement entered into on July 29, 1964, a copy of which is attached to the application as Exhibit A, Allison R. Boyd proposes to sell his operating rights and certain related assets to Pacific Transportation and Warehouse Co., Inc. for a cash consideration of \$22,000. Exhibit B, annexed to the application, is a copy of a Lease Agreement entered into on August 14, 1964, wherein Pacific Transportation and Warehouse Co., Inc. proposes to lease said operating rights and assets from Allison R. Boyd for a monthly rental of \$300 pending final consummation of the purchase transaction upon approval by this Commission and by the Interstate Commerce Commission. The purchase price will be reduced in an amount equivalent to fifty percent of the total rentals paid under the lease. Applicants assert that such an arrangement is necessary because of the transferor's physical incapacity.

The application shows that Pacific Transportation and Warehouse Co., Inc., a California corporation organized on or about August 21, 1933, is engaged in the business of transporting general freight within California under permits issued by this Commission. The income statement, attached to the application as Exhibit D, indicates that for the first six months of 1964, its revenues and net profit were \$287,119 and \$7,838, respectively. The company advises that it is financially able to consummate the

proposed transaction by cash payment. The transferee also seeks permission to adopt the transferor's presently approved tariff filings on one day's notice to the Commission and to the public.

The Commission has considered this matter and finds that: (1) the proposed lease, sale and transfer of a highway common carrier certificate of public convenience and necessity, together with certain related assets, for a cash consideration, and under the circumstances set forth in this proceeding would not be adverse to the public interest; and (2) the proposal to allow the transferee to adopt the transferor's presently approved tariff filings on one day's notice to the Commission and to the public is not feasible. On the basis of these findings we conclude that the application should be (a) denied with respect to the one day's notice request for adopting presently approved tariff filings and (b) granted in all other respects. A public hearing is not necessary.

The action taken herein shall not be construed to be a finding of the value of the operative rights and other assets to be transferred. So far as the rights are concerned, the authorization herein granted is for the transfer of the highway common carrier certificate of public convenience and necessity only. 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. Allison R. Boyd, doing business as Johnson Transfer & Trucking Co., may lease, sell and transfer, and Pacific Transportation and Warehouse Co., Inc. may hire, purchase and acquire, the highway common carrier certificate of public convenience and necessity and certain other related assets, in accordance with the terms of the Purchase Agreement and the Lease Agreement, copies of which are attached to the application as Exhibits A and B, respectively.

2. Within thirty days after the consummation of the transfer herein authorized, Pacific Transportation and Warehouse 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. Pacific Transportation and Warehouse Co., Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the 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 Order No. 80-A.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Pacific Transportation and Warehouse 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. This application, insofar as it seeks authority to adopt presently approved tariff filings on one day's notice, is hereby denied with respect to the one day's notice.

6. The effective date of this order is the date hereof.

Dated at San Francisco, California,
this 15th day of SEPTEMBER, 1964.

Frederick B. Holloff
President
George G. Grover
William M. Bennett
Edward P. L. Page

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

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