

**ORIGINAL**

Decision No. 67953

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

- (a) PAUL S. BEIDLEMAN,  
an individual, dba United Drayage  
Company, to transfer, and  
THREE-B FREIGHT SERVICE, INC.,  
a California corporation, to  
acquire the certificate of  
public convenience and necessity  
issued to the Transferor,  
together with certain other  
assets used and useful in the  
performance of a common carrier  
service, pursuant to Sections 851-  
853 of the California Public  
Utilities Code; and
- (b) THREE-B FREIGHT SERVICE, INC.,  
a California corporation, for  
authority to issue shares of its  
common capital stock pursuant to  
Sections 816-830 of the California  
Public Utilities Code.

Application No. 46913  
Filed August 20, 1964

O P I N I O N

This is an application for an order of the Commission

(1) authorizing Paul S. Beidleman, an individual doing business as United Drayage Company, to sell and transfer a highway common carrier certificate of public convenience and necessity, together with certain other assets, to Three-B Freight Service, Inc., and

(2) authorizing Three-B Freight Service, Inc., in acquiring said assets, to issue \$23,700 par value of its common stock.

By Decision No. 61848, dated April 18, 1961, as amended by Decision No. 63097, dated January 9, 1962, in Application No. 43078, the Commission granted Paul S. Beidleman, doing business

as United Drayage Company, 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 asserts that he desires to carry on the business under a corporate form of organization and that, in order to accomplish such objective, he seeks authority to sell and transfer his operating rights and certain other assets to Three-B Freight Service, Inc. The balance sheet, attached to the application, indicates that as of June 30, 1964, total assets to be transferred in the amount of \$43,081.92 were offset by current liabilities totaling \$19,357.81 and proprietary capital of \$23,724.11. Operative rights are included in said assets at a valuation of \$1.00.

Three-B Freight Service, Inc., a California corporation organized on or about August 11, 1964, proposes to issue 237 shares of its common stock having an aggregate par value of \$23,700 in exchange for the assets, subject to existing liabilities of the proprietorship. The corporation reports that (1) it will assume anticipated profits between June 30, 1964, and the date on which the contemplated transfer is finally consummated, and (2) such profits realized during the period will be stated as paid-in surplus in the corporate balance sheet.

The Commission has considered this matter and finds that: (1) the proposed sale and transfer would not be adverse to the public interest; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein; and (3) such

purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income. On the basis of these findings we conclude that the application should be granted. 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. On or before December 31, 1964, Paul S. Beidleman, an individual doing business as United Drayage Company, may sell and transfer, and Three-B Freight Service, Inc. may purchase and acquire, the highway common carrier certificate of public convenience and necessity and other assets referred to in this application.

2. Three-B Freight Service, Inc., on or before December 31, 1964, for the purpose specified in the foregoing opinion, may issue not to exceed 237 shares of its common stock at not less than their par value of \$100 per share.

3. Three-B Freight Service, Inc. shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the consummation of the transfer herein authorized, Three-B Freight Service, 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.

5. Three-B Freight Service, 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.

6. On or before the end of the third month after the consummation of the transfer as herein authorized, Three-B Freight Service, 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.

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

Dated at San Francisco, California, this 6th day of October, 1964.

Frederick B. Halaloff  
President

Paul E. Mitchell

George T. Grover

William W. Bennett

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Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.