

**ORIGINAL**

Decision No. 68398

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
W. J. TANNAHILL, M. F. TANNAHILL )	
and E. J. TANNAHILL, co-partners )	Application No. 46341
doing business under the name and )	(Filed March 31, 1964)
style of W. J. TANNAHILL & SONS, for )	(Amended November 6, 1964)
the authority to deviate from the )	
established minimum rates. )	

SUPPLEMENTAL OPINION AND ORDER

W. J. Tannahill, M. F. Tannahill and E. J. Tannahill, co-partners doing business as W. J. Tannahill & Sons, operate as radial highway common, highway contract and city carriers. By Decision No. 67204 dated May 12, 1964, they were authorized to depart from the provisions of the minimum rate orders otherwise applicable for the transportation of lumber and other forest products, except sash and doors, for Owens-Parks Lumber Company from the shipper's yard in Vernon to points within 30 constructive miles thereof. The current authority is scheduled to expire with May 31, 1965. It is now requested, by petition, that W. J. Tannahill & Sons, a corporation, be substituted for the partnership and that the relief granted in Decision No. 67204, supra, be transferred to said corporation effective January 1, 1965.

The petition states that there will be no change in control, management or ownership except the ownership will be by way of corporate stock instead of partnership interest.

According to the petition, the business of the partnership, including the assets thereof proposed to be transferred by the partnership to the corporation and the liabilities of the partnership to be assumed by the corporation, is as set forth in the application to transfer permits, file No. T-12878, subject to changes which will occur in the ordinary course of business prior to the date of transfer.

In the circumstances, it appears, and the Commission finds, that the proposed substitution of W. J. Tannahill & Sons, a corporation, for the copartners as requested is justified. A public hearing is not necessary. The petition should be granted.

In order that the relief granted by Decision No. 67204, supra, may be transferred to the corporation concurrently with the transfer of the carrier permits involved, the order which follows will be made effective January 1, 1965.

IT IS ORDERED that.

1. Decision No. 67204 dated May 12, 1964, in this proceeding is amended by substituting the following for Ordering Paragraph 1 thereof.

"1. W. J. Tannahill & Sons, a corporation, is hereby authorized to depart from the provisions of the minimum rate orders otherwise applicable to the services which it performs for Owens-Parks Lumber Company to the extent specifically provided in Appendix A which is attached hereto and by this reference made a part hereof."

2. In all other respects said Decision No. 67204 shall remain in full force and effect.

This order shall become effective January 1, 1965.

Dated at San Francisco, California, this 23rd day of December, 1964.

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President

*Everett C. Bagley*  
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*William W. Bennett*  
\_\_\_\_\_  
*George H. Hoover*  
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Commissioners

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

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.