

ORIGINALDecision No. 68453

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEORGE W. FORQUER, JOSEPH V. BRINK)
 and MAX RUDOLPH, partners doing)
 business as MAX RUDOLPH COMPANY, a)
 limited partnership, for authority)
 to transfer to GEORGE W. FORQUER and)
 MAX RUDOLPH, partners doing business)
 as MAX RUDOLPH COMPANY, a limited)
 partnership, a certain certificate)
 of public convenience and necessity)
 authorizing the transportation of)
 petroleum products as a petroleum)
 irregular route carrier.)

Application No. 47114
 (Filed November 16, 1964)

OPINION AND ORDER

Applicants request authorization to transfer a certificate of public convenience and necessity to operate as a petroleum irregular route carrier from a three-man limited partnership composed of George W. Forquer, Joseph V. Brink and Max Rudolph to a two-man limited partnership composed of George W. Forquer and Max Rudolph. The reason for the requested authorization is to allow the retirement from the partnership of Joseph V. Brink.

The conduct of the business will be carried on under the same firm name and style of Max Rudolph Company; and the new partnership will conduct its business in the same manner as the former partnership, throughout the same territory, on the same schedules, and will adopt the rates and tariffs of the former partnership.

The certificate herein sought to be transferred was originally issued to Charles R. Hix by Decision No. 50690 in Application No. 35313, dated October 26, 1954. It was subsequently transferred to the three-man limited partnership, applicants herein, by Decision No. 55007 in Application No. 38962, dated May 21, 1957.

The three-man limited partnership, in addition to operating pursuant to the certificate of public convenience and necessity, engages in the business of oil field construction and maintenance and holds permits to operate as a petroleum contract carrier and a radial highway common carrier. The partnership interest of Joseph V. Brink, the retiring partner, is to be sold to George W. Forquer for the sum of \$47,784.14 payable within five years without interest. A financial statement of the new limited partnership, dated July 15, 1964, indicates a net worth of \$191,136.55.

After consideration the Commission finds that the proposed transfer 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.

IT IS ORDERED that:

1. On or before March 1, 1965, George W. Forquer, Joseph V. Brink and Max Rudolph, partners doing business as Max Rudolph Company, a limited partnership, may sell and transfer, and George W. Forquer and Max Rudolph, partners doing business as Max Rudolph Company, a limited partnership, 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, purchasers 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. Purchasers shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the petroleum irregular route carrier operations herein to show that

they have adopted or established, as their 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 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, purchasers 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 12th day of January, 1965.

Fredrick A. Halbach
President

George H. Hoover

William L. Bennett
Commissioners