

ORIGINAL

Decision No. 68600

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

(a) CAMPBELL TRUCK, INC., a)
California corporation, to)
transfer, and CONSOCO TRANSPORT,)
a California corporation, to)
acquire the certificate of)
public convenience and necessity)
issued to the Transferor and)
authorizing operation as a)
petroleum irregular route)
carrier, pursuant to Sections)
851-853 of the California Public)
Utilities Code; and)

Application No. 47266
Filed January 18, 1965

(b) CONSOCO TRANSPORT, a California)
corporation, for authority to)
issue shares of its common)
capital stock pursuant to)
Sections 816-830 of the)
California Public Utilities)
Code.)

O P I N I O N

This is an application for an order of the Commission
(1) authorizing Campbell Truck, Inc. to sell and transfer a
petroleum irregular route carrier certificate of public convenience
and necessity and related goodwill to Consoco Transport, a corpo-
ration, and (2) authorizing Consoco Transport to issue and sell
\$46,000 par value of its common capital stock.

Campbell Truck, Inc. operates as a statewide petroleum
irregular route carrier under a certificate of public convenience

and necessity acquired pursuant to Decision No. 65123, dated March 26, 1963, in Application No. 45186. It also possesses operative rights under a cement carrier certificate and a radial highway common carrier permit issued by this Commission, and conducts interstate operations subject to the jurisdiction of the Interstate Commerce Commission. In this proceeding, the company proposes to sell and transfer its petroleum irregular route carrier certificate of public convenience and necessity and related goodwill to Consoco Transport for the sum of \$4,000.

Consoco Transport, a California corporation organized on or about November 19, 1964, requests authority to issue and sell 460 shares of its common capital stock having an aggregate par value of \$46,000 to Consumers Oil Company. It proposes to issue 310 shares of such stock in exchange for four units of tank truck and trailer equipment to be utilized in carrying on operations as a petroleum irregular route carrier and to sell the remaining 150 shares for \$15,000 cash. The buyer alleges that \$11,000 of the cash proceeds will be used for working capital purposes and that \$4,000 will be applied toward payment of the operative right and goodwill to be acquired. In recording the acquisition the purchaser reports that it will assign the entire \$4,000 to goodwill.

The Commission has considered this matter and finds that: (1) the proposed sale and transfer of the petroleum irregular route carrier certificate of public convenience and necessity and related goodwill 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 purposes specified herein; and (3) such purposes are 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 value of the assets to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before August 31, 1965, Campbell Truck, Inc. may sell and transfer, and Consoco Transport, a corporation, may purchase and acquire, the petroleum irregular route carrier certificate of public convenience and necessity and related goodwill referred to in this application.

2. Consoco Transport, on or before August 31, 1965, for the purposes specified in the application, may issue and sell, at par, not to exceed \$46,000 par value of its common capital stock.

3. Consoco Transport 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, Consoco Transport 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. Consoco Transport shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the petroleum irregular route 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. Whenever Consoco Transport engages other carriers for the transportation of property of Consumers Oil Company or customers or suppliers of said company, the carrier shall not pay such other carriers rates and charges less than rates and charges published in the carrier's tariffs on file with this Commission.

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

Dated at San Francisco, California,
this 16th day of FEBRUARY, 1965.

Frederick B. Hallock
President

John S. Mitchell

George L. Groves

Augustus

William B. Bernard
Commissioners