

ORIGINAL

Decision No. 68736

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)

(a) DURKEE DRAYAGE COMPANY, a)
corporation, to purchase, and of)
VINCENT DURKEE, to sell a)
Certificate of Public Convenience)
and Necessity for the)
transportation of general)
commodities with certain)
exceptions in the San Francisco-)
East Bay cartage zone, pursuant)
to Sections 851-853 of the)
California Public Utilities Code.)

Application No. 47327
Filed February 11, 1965

(b) DURKEE DRAYAGE COMPANY, a)
corporation, for a permit to)
issue shares of its 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 Vincent Durkee, an individual doing business as
Durkee Drayage, to sell and transfer a highway common carrier
certificate of public convenience and necessity, together with
certain equipment, to Durkee Drayage Company, a corporation,
and (2) authorizing Durkee Drayage Company, a corporation,
to issue \$24,800 par value of its capital stock.

By Decision No. 52803, dated March 19, 1956, in
Application No. 35912, the Commission granted a highway
common carrier certificate of public convenience and necessity

to Vincent Durkee, an individual. Said certificate authorizes the transportation of general commodities, with certain exceptions, between various points and places in the San Francisco-East Bay Cartage Zone. He also possesses operative rights pursuant to permits issued by this Commission.

In this proceeding, Vincent Durkee proposes to sell and transfer his highway common carrier certificate of public convenience and necessity, together with certain other assets, to Durkee Drayage Company, a corporation, for the sum of \$24,800. According to the application said sum represents the net book value of such assets as of December 31, 1964. No value has been assigned to the certificate of public convenience and necessity nor to the permitted operative rights.

Durkee Drayage Company, a California corporation organized on or about January 4, 1965, requests authority to issue 24,800 shares of its capital stock having an aggregate par value of \$24,800 in consideration of the proposed sale and transfer. The application indicates that Vincent Durkee, as the principal officer and a director of the new corporation, will continue in active charge and management of the transportation business so acquired.

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 July 31, 1965, Vincent Durkee may sell and transfer, and Durkee Drayage Company, a corporation, may purchase and acquire, the highway common carrier certificate of public convenience and necessity and other assets referred to in this application. Said sale and transfer may be made effective as of December 31, 1964 for accounting purposes.
2. Durkee Drayage Company, on or before July 31, 1965, for the purpose specified in this proceeding, may issue, at par, not to exceed 24,800 shares of its capital stock having an aggregate par value of \$24,800.

3. Durkee Drayage Company 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, Durkee Drayage Company 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. Durkee Drayage Company shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the highway 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, Durkee Drayage Company shall cause to be filed with the Commission, in such form as it may prescribe, an annual report of the transferor covering

the period commencing with the first day of the current year to and including the effective date of the transfer for accounting purposes, if such date is other than December 31, 1964.

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

Dated at San Francisco, California, this 17th day of MARCH, 1965.

Fredrick B. Halaloff
President
John E. Mitchell
George G. Crover
Auditor
Alexander Beard
Commissioners