

ORIGINALDecision No. 68804

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CLAYTON MILLER and WILLIAM C. SHOWERS,
 partners, doing business as DEL REYE
 VAN & STORAGE, for an order authorizing
 them to sell and transfer, and CLAYTON
 MILLER, to purchase and for authority
 to operate under a certain certificate
 of public convenience and necessity.

Application No. 47303
 (Filed February 1, 1965)

O P I N I O N

Clayton Miller and William C. Showers, doing business as Del Rey Van & Storage, request authority to sell and transfer and Clayton Miller requests authority to purchase and acquire certain operating authority.

The authority was granted by Decision No. 68201 in Application No. 46665 and authorizes the transportation of uncrated and unboxed household goods, furniture (including antiques), office fixtures and furniture between Los Angeles and Santa Barbara and certain intermediate and off-route points.

It is alleged that applicant sellers have dissolved their partnership into two separate and distinct ventures. According to the proposal, the assets of both ventures would be divided between the partners, with the operating authority herein considered being conveyed to applicant Miller. Over and above the division of partnership assets, applicant Miller would execute a promissory note in the amount of \$3,500, payable in monthly installments of \$145.83, without interest. As of December 31, 1964, applicant Miller indicated a net worth in the amount of \$18,691.18.

After consideration the Commission finds that:

1. The proposed transfer would not be adverse to the public interest insofar as said transfer relates to the transportation of new furniture.

2. Applicant buyer presently holds a permit with statewide authority as a household goods carrier.

3. The proposed transfer would authorize applicant buyer to acquire duplicate operative rights insofar as said transfer relates to the transportation of used household goods, furniture and office fixtures.

4. The acquisition of duplicate operative rights would be adverse to the public interest.

5. The operative right acquired by Decision No. 68201, dated November 10, 1964, in Application No. 46665, insofar as said operative right relates to the transportation of used household goods, furniture and office fixtures, should be revoked.

6. The issue of the promissory note herein authorized is reasonably required for the purposes specified herein and such purposes are not in whole, or in part, reasonably chargeable to operating expenses or to income.

7. A public hearing is not necessary.

The Commission concludes that the application should be granted to the extent provided by the order which follows.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1965, Clayton Miller and William C. Showers, may sell and transfer and Clayton Miller may purchase and acquire, the operative right referred to in the application, insofar as said operative right relates to the transportation of new furniture, between the points and over the routes more particularly set forth in Appendix A attached hereto and by this reference made a part hereof.

2. Within thirty days after the consummation of the transfer herein authorized, Clayton Miller 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. Clayton Miller shall file tariffs with the Commission, naming rates, rules and regulations for the transportation of new furniture between the points as set forth in Appendix A. The rates, rules and regulations required to be filed by Clayton Miller shall be no lower in volume and effect than those established by the Commission for the transportation of crated and uncrated new furniture as set forth in the Commission's Minimum Rate Tariffs Nos. 2 and 11-A, respectively. 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, Clayton Miller 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.

5. The operative right acquired by Decision No. 68201 dated November 10, 1964, in Application No. 46665, insofar as said operative right relates to the transportation of used household goods, furniture and office fixtures, is hereby revoked concurrently with the effective date of the tariff filings required to be made by ordering paragraph 3 hereof.

6. Applicant Miller is hereby authorized to execute a noninterest bearing evidence of indebtedness in the principal amount of not to exceed \$3,500, for the purpose set forth in the application.

7. The authority herein granted to issue a note will become effective when applicant has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.

The Secretary is directed to cause service of a certified copy of this order to be made on Clayton Miller and William C. Showers, or to mail a certified copy thereof to them at their last known addresses as shown in the Commission's records.

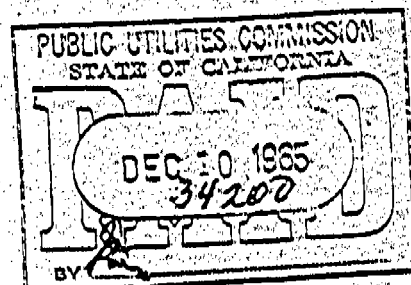
The effective date of ordering paragraph 5 shall be the thirtieth day after completion of service as hereinabove provided,

unless before such effective date there shall have been filed with this Commission a written request for public hearing, in which event the effective date of said ordering paragraph 5 shall be stayed until further order of the Commission.

The effective date of this order, excepting ordering paragraphs 5 and 7, shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of March, 1965.

Fredrick B. Hallock
President
George L. Grover
Commissioners
William L. Bennett



Clayton Miller, by the certificate of public convenience and necessity acquired by the decision noted in the margin, is authorized to transport new furniture between Los Angeles and Santa Barbara and intermediate points over and along U. S. Highway 101, with the right to detour for pickup or delivery, thirty miles on either side of said highway at all points between the north limits of the City of Los Angeles and the west limits of the City of Santa Barbara.

Issued by California Public Utilities Commission.

Decision No. 68804, Application No. 47303.