

Decision No. 70086**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ALEXANDER M. DICKIE, as Trustee of
 the Trust under the Last Will of
 DANIEL C. FESSENDEN, Deceased, doing
 business as California Warehouse Co.,
 to transfer, and Daniel C. Fessenden
 Company, a corporation, doing busi-
 ness as California Warehouse Co., to
 acquire operating rights and prop-
 erty of a highway common carrier.

Application No. 48006
 Filed October 25, 1965

O P I N I O N

Alexander M. Dickie, as Trustee of the Trust under the Last Will of Daniel C. Fessenden, requests authority to transfer and Daniel C. Fessenden Company, a corporation doing business as California Warehouse Co., requests authority to acquire certain property and operating authority as a highway common carrier.

The operating authority was granted by Decision No. 55973, dated December 16, 1957, in Application No. 36496. The operating authority and business were acquired by the transferor pursuant to the provisions of the Last Will of Daniel C. Fessenden and the authority of this Commission by its Decision No. 68455.

Transferor also owns, as Trustee, all of the stock of the transferee, which was also acquired pursuant to the provision of said Last Will of Daniel C. Fessenden.

The proposed transfer will allegedly result in the single ownership by the transferee of the highway common carrier business as well as the public utility warehouse business presently conducted by the transferee. There will be no material change in personnel or management.

The proposed transfer will be accomplished without any consideration and without the issuance of any additional stock by the transferee. As of August 31, 1965, transferee indicated a net worth in the amount of \$155,960.49.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1966, Alexander M. Dickie, as Trustee of the Last Will of Daniel C. Fessenden, may sell and transfer, and Daniel C. Fessenden Company 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, Daniel C. Fessenden 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.
3. Daniel C. Fessenden Company shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to show that it has adopted or established, as its 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, Daniel C. Fessenden Company shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for 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 14th day of DECEMBER, 1965.

Frederick B. Hallock
President

John E. North

George T. Crow

William W. Bennett

Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.