

ORIGINAL

Decision No. 70145

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of STUART A. FREE to Transfer a
Certificate to Operate as a
Cement Carrier to E. S. FOOTE
and for Approval of a Lease between
E. S. FOOTE AND DREW MOTORS LEASING.

Application No. 47911
(Filed September 22, 1965)

O P I N I O N

By their application, as amended, Stuart A. Free requests authority to sell and transfer and E. S. Foote requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a "cement carrier" and certain operating equipment.

The certificate was issued pursuant to grandfather legislation by Commission Resolution 13825 Sub. 32 dated June 23, 1964, and authorizes operations from any and all points within the State to all points in the County of San Diego. The equipment consists of a tractor and a trailer. The cash consideration is \$12,000. As of August 16, 1965, applicant buyer indicated a net worth in the amount of \$29,545.

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.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1966, Stuart A. Free may sell and transfer, and E. S. Foote 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, E. S. Foote 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. E. S. Foote 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 he has adopted or established, as his 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. 117.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, E. S. Foote shall cause to be filed with the Commission, as prescribed in the Commission's General Order No. 104, 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.

5. Concurrent with the tariff filings required by ordering paragraph 3 hereof the operating authority heretofore referred to is hereby revoked and in its place and stead a certificate of public convenience and necessity is hereby granted to E. S. Foote authorizing him to operate as a cement carrier as defined in Section 214.1 of the Public Utilities Code, between the points more particularly set forth in Appendix A attached hereto and made a part hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of DECEMBER, 1965.

Fredrick B. Holoboff
President
Augusta
W. E. Mitchell
George T. Hoover
William A. Brown
Commissioners

E. S. Foote, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport cement as a cement carrier from all points of origin within the State, to and between all points and places in the County of San Diego.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 70145, Application No. 47911.