

ORIGINAL

Decision No. 70188

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
))
G. A. HUTCHINSON, JR., an)
individual, doing business as)
G. A. HUTCHINSON & SON DRAYING,)
for authority to transfer assets,)
and)
))
G. A. HUTCHINSON & SON DRAYING,)
a California Corporation, for)
authority to acquire assets,)
assume liabilities, and issue)
stock.)

Application No. 48127
Filed December 15, 1965

O P I N I O N

This is an application for an order of the Commission

(1) authorizing G. A. Hutchinson, Jr., doing business as G. A. Hutchinson & Son Draying, to sell and transfer two highway common carrier certificates of public convenience and necessity, together with related equipment and other assets, to G. A. Hutchinson & Son Draying, a California corporation, and

(2) authorizing the latter, in acquiring said certificates and assets, to assume liabilities and to issue 3,000 shares of its \$10 par value common capital stock.

G. A. Hutchinson, Jr. operates as a highway common carrier of general commodities in the San Francisco-East Bay Cartage Zone, and as a highway common carrier of specified commodities from San Francisco, on the one hand, to portions of the Counties of Alameda, San Mateo and Santa Clara, on the

other hand, pursuant to certificates of public convenience and necessity granted by Decision No. 51023, dated January 25, 1955, in Application No. 35174 and Decision No. 58571, dated June 8, 1959, in Application No. 40584.

G. A. Hutchinson & Son Draying is a California corporation organized on or about November 10, 1965. In this proceeding it proposes to issue \$30,000 aggregate par value of its common capital stock for acquiring the assets and assuming the liabilities of G. A. Hutchinson, Jr. Any excess of the amount of net assets acquired over the \$30,000 aggregate par value of capital stock to be issued will be regarded as contributed capital. The transferor's reported assets and liabilities relating to his carrier operations, as of September 30, 1965, as summarized from Exhibit C of the application, are as follows:

<u>Assets</u>	
Current assets	\$49,432
Property and investments, less reserve for depreciation	20,122
Good will	3,500
Prepayments	<u>2,412</u>
Total	<u>\$75,466</u>
<u>Liabilities</u>	
Current liabilities	\$ 3,795
Capital	<u>71,671</u>
Total	<u>\$75,466</u>

The Commission has considered this matter and finds that: (1) the proposed sale, transfer and assumption of liabilities will 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 as a finding of the value of the rights and other assets herein authorized to be transferred. So far as the rights are concerned, the authorization herein granted is for the transfer of highway common carrier certificates of public convenience and necessity only. Any 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 June 30, 1966, G. A. Hutchinson, Jr., doing business as G. A. Hutchinson & Son Draying, may sell and transfer, and G. A. Hutchinson & Son Draying, a corporation, may purchase and acquire, the highway common carrier certificates of public convenience and necessity and other assets referred to in this proceeding.

2. G. A. Hutchinson & Son Draying, a corporation, on or before June 30, 1966, for the purpose of acquiring said certificates and other assets, may assume the liabilities referred to in this proceeding and may issue not to exceed 3,000 shares of its \$10 par value common capital stock.

3. G. A. Hutchinson & Son Draying, a corporation, 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, G. A. Hutchinson & Son Draying, a corporation, 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. G. A. Hutchinson & Son Draying, a corporation, shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the 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 effective 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, G. A. Hutchinson & Son Draying, a corporation, 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.

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

Dated at San Francisco, California, this 11th day of JANUARY, 1966.

Frederick B. Hallock
President

John E. Mitchell

George A. Crover

Augusta

William L. Bennett
Commissioners