

ORIGINAL

Decision No. 71210

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)

(a) HILLIARD TRUCK LINE, INC.,)
for authority to issue shares)
of its common capital stock)
pursuant to Section 816-830 of)
the California Public Utilities)
Code.)

Application No. 48674
Filed July 27, 1966

(b) LESTER LEON HILLIARD, an)
individual, doing business as)
HILLIARD TRUCK LINE, to sell,)
and HILLIARD TRUCK LINE, INC.,)
a corporation, to purchase)
highway common carrier operating)
rights and property, pursuant to)
Section 851-853 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 Lester Leon Hilliard, an individual doing
business as Hilliard Truck Line, to sell and transfer a highway
common carrier certificate of public convenience and necessity,
together with related assets, to Hilliard Truck Line, Inc., and
(2) authorizing the latter, in acquiring said certificate and
assets, to assume liabilities and to issue 227 shares of its
capital stock, without nominal or par value.

Lester Leon Hilliard, an individual doing business
as Hilliard Truck Line, is engaged in activities as a highway
common carrier in southern California pursuant to a certificate

of public convenience and necessity granted to him by this Commission in Decision No. 56579, dated April 22, 1958, as amended by Decision No. 61544, dated February 21, 1961, in Application No. 36437, and as amended further by Decision No. 64053, dated July 31, 1962, in Application No. 43729. Subject to certain exceptions, said certificate authorizes him to transport general commodities, including commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigeration equipment.

The owner proposes to sell and transfer his highway common carrier certificate of public convenience and necessity, together with related assets, to Hilliard Truck Line, Inc. at net book value as of December 31, 1965. The balance sheet, attached to the application as part of Exhibit B, indicates that said net book value amounted to \$22,735.07, including a sum of \$4,100 pertaining to operating authorities of the Interstate Commerce Commission and this Commission.

Hilliard Truck Line, Inc. is a California corporation organized on or about November 3, 1965. In acquiring said operative rights and assets, the corporation seeks authority to assume the seller's liabilities and to issue 227 shares of capital stock at a stated value of \$100 per share. The application indicates that the \$4,100 assigned to operating authorities represents less than the original cost of establishing the same.

The Commission has considered this matter and finds that: (1) the proposed sale and transfer of assets 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 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. Any transfer of permitted operative rights must be the subject of a separate application or applications.

Official notice is hereby taken of Case No. 7998 in which L. L. Hilliard, an individual doing business as Hilliard Truck Line, is a respondent.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1966, Lester Leon Hilliard, an individual doing business as Hilliard Truck Line, may sell and transfer, and Hilliard Truck Line, Inc. may purchase and acquire, the highway common carrier certificate of public convenience and necessity and other assets referred to in the application. Said sale and transfer may be made effective as of December 31, 1965 for accounting purposes.

2. Hilliard Truck Line, Inc., on or before December 31, 1966, in acquiring said certificate and other assets, may assume the liabilities referred to in the application and may issue not to exceed 227 shares of its capital stock at a stated value of \$100 per share.

3. Hilliard Truck Line, Inc. 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, Hilliard Truck Line, Inc. 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.

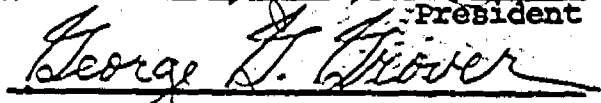
5. Hilliard Truck Line, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than 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.

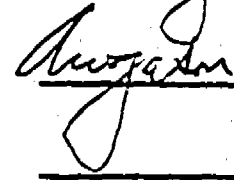
6. On or before the end of the third month after the consummation of the transfer as herein authorized, Hilliard Truck Line, Inc. shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer, if such date is other than December 31, 1965.

7. The effective date of this order shall be the date on which Hilliard Truck Line, Inc. files herein a written consent to be bound by, and to accept any penalty assessed in, any Commission decisions which may be issued in Case No. 7998 based upon the conduct of L. L. Hilliard, an individual doing business as Hilliard Truck Line.

Dated at San Francisco, California,
this 30th day of AUGUST, 1966.



President




Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.