

**ORIGINAL**Decision No. 72203

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARY F. MOSS, individually and as the surviving partner of the partnership of Harold H. Coe (deceased) and Mary F. Moss, doing business as Carl Ingalls Trucking Company, to transfer a certificate of public convenience and necessity to operate as a highway common carrier to HAWKEY TRANSPORTATION, INC., and of HAWKEY TRANSPORTATION, INC., to acquire such certificate. )  
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 ) Application No. 49132  
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O P I N I O N

Mary F. Moss (hereinafter referred to as Moss) and Hawkey Transportation, Inc. (hereinafter referred to as Hawkey) seek authority herein for Moss to sell and transfer and Hawkey to purchase and acquire Moss' certificate of public convenience and necessity to operate as a highway common carrier.

The certificate of public convenience and necessity here under consideration was granted to Moss and Harold H. Coe (hereinafter referred to as Coe), doing business as Ingalls Trucking Company, on February 17, 1953 in Decision No. 48291 in Application No. 33392. The certificate authorized the partnership to transport throughout most of California: (1) Property necessary or incidental to the establishment, maintenance or dismantling of oil, gas or water wells, pipe lines, refineries and cracking or casing head plants. (2) Material and equipment used in the construction of roads, dams and bridges. (3) Material and equipment used in the construction of and destined for power and compressor plants. The certificate was the basis upon which the Interstate Commerce Commission issued a certificate of registration in Docket No. 28167, Sub. No. 2.

The verified application avers that Moss and Coe were partners for many years; that Coe was the manager of the trucking business operating under the certificate here involved; that Coe was more actively engaged in the business than Moss; that Coe died on October 10, 1966 and that Moss is unable to continue to operate the business alone. The Commission takes official notice that on November 22, 1966, Moss and Coe's executrix filed an application seeking authority to suspend operations, for the reasons above stated, for one year so that Moss could attempt to locate a buyer who would continue operations under the certificate. The Commission granted the request to suspend operations on January 24, 1967 in Decision No. 71895 in Application No. 48969.

The application and exhibits attached indicate that on January 21, 1967, Moss and Hawkey entered into an agreement, subject to the approval of this Commission and the Interstate Commerce Commission, whereby Moss agreed to sell her intrastate and interstate operating authority to Hawkey for \$8,500.

The record indicates that Hawkey presently is a highway common carrier subject to the jurisdiction of this Commission. It operates 91 pieces of equipment including 24 power units and 67 trailer vehicles. Its balance sheet as of October 31, 1966, indicates it had a capital surplus of \$114,108 and that its gross revenues for the first ten months of 1966 were \$322,782. It is apparent that Hawkey has the ability to take over and operate under the certificate here under consideration.

The Commission makes the following findings and conclusions.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Hawkey has the ability, including financial ability, to conduct operations under the certificate herein sought to be transferred.
3. The proposed transfer would not be adverse to the public interest.

Conclusions of Law

1. The application should be granted as hereinafter provided.
2. The authorization herein granted shall not be construed as a finding of the value of the rights herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before April 1, 1968, Mary F. Moss may sell and transfer, and Hawkey Transportation, Inc. may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Hawkey Transportation, 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.
3. Hawkey Transportation, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show it has adopted or established, as its own, said rates and rules. 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, Hawkey Transportation, 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.

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

Dated at San Francisco, California, this 27<sup>th</sup> day of MARCH, 1967.

*[Signature]* President  
*Stallman Bernard*  
*Augustin*  
*William Francis Jr*  
*Geoff P. Monsey* Commissioners