

Decision No. 73252

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)
))
DOUGLAS S. WHYTE and TONY I.)
CENBRANO for authority of said)
DOUGLAS S. WHYTE and TONY I.)
CENBRANO to transfer from)
SIEFERT TRUCK SERVICE INC. AKA)
SIEFERT TRUCK SERVICE INC. dba)
S.O.S. to DOUGLAS S. WHYTE and)
TONY I. CENBRANO by foreclosure)
of Chattel Mortgage)

Application No. 49707
Filed October 3, 1967

O P I N I O N

This is an application for an order of the Commission authorizing Douglas S. Whyte and Tony I. Cenbrano to foreclose with respect to Siefert Truck Service Inc.

By Decision No. 63584, dated April 24, 1962, in Application No. 44285, the Commission authorized Douglas S. Whyte and Tony I. Cenbrano, doing business as Siefert Truck Service, to sell and transfer their certificate of public convenience and necessity, together with related assets, to Siefert Truck Service Inc., and authorized the latter to issue and sell \$20,000 aggregate par value of its capital stock, to execute a Mortgage of Chattels and to issue a \$108,000 note.

Douglas S. Whyte and Tony I. Cenbrano report that Siefert Truck Service Inc. defaulted in the payment of said note secured by said Mortgage of Chattels, and that on

September 20, 1967, a Superior Court Decree of Foreclosure and Order for Sale by Commissioner was entered in their favor with respect to the mortgage.

The Commission has considered this matter and finds that: (1) this Commission has no jurisdiction over the foreclosure per se, and (2) applicants properly sought foreclosure through a court of competent jurisdiction. On the basis of these findings we conclude that the application should be dismissed for want of jurisdiction. A public hearing is not necessary.

Applicants are hereby placed on notice that, in accordance with Section 851 of the Public Utilities Code, any sale, transfer or other disposition of the public utility mortgaged properties (including the certificate of public convenience and necessity) by the court-appointed Commissioner must be authorized by this Commission prior to consummation, pursuant to an appropriate application in which the proposed transferee is a party.

O R D E R

IT IS ORDERED that Application No. 49707 is hereby dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this

27th day of OCTOBER, 1967.

P. E. Mitchell
President

Shelton W. Bessie

Agator

And P. Monsey
Commissioners

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