

ORIGINAL

Decision No. 73609

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
CALIFORNIA MOTOR TRANSPORT CO.,)
a California corporation, for)
authority to transfer assets,)
and ILLINOIS-CALIFORNIA EXPRESS,)
INC., a Nebraska corporation,)
to acquire assets.)

Application No. 49900
Filed December 26, 1967

INTERIM OPINION

This is an application for an order of the Commission authorizing California Motor Transport Co. to lease temporarily and to transfer its intrastate certificate of public convenience and necessity, together with certain assets, to Illinois-California Express, Inc.

California Motor Transport Co. is a California corporation operating as a highway common carrier of general commodities, with certain exceptions, generally speaking, between points and places from Redding, on the north, to the Mexican Border, on the south. In addition, the company is engaged in interstate commerce within the State of California pursuant to a certificate of public convenience and necessity and a certificate of registration issued by the Interstate Commerce Commission, the latter pertaining to said intrastate certificate. For the first ten months of 1967, the carrier reports total operating revenue and net loss of \$8,658,349 and \$418,709, respectively.

Illinois-California Express, Inc. is a Nebraska corporation operating as a common carrier by motor vehicle pursuant to certificates of public convenience and necessity issued by the Interstate Commerce Commission. In the conduct of such operations the carrier serves certain points and places in southern California in interstate and foreign commerce. For the first ten months of 1967, the company reports total operating revenue and net income of \$29,384,062 and \$404,419, respectively.

Pursuant to Sections 5 and 210a(b) of the Interstate Commerce Act, applicants are seeking authority from the Interstate Commerce Commission corresponding to that which they are seeking in this proceeding. Said Section 210a(b) permits that Commission to authorize Illinois-California Express, Inc. to operate the involved properties temporarily if it shall appear that failure to grant the temporary authority may result in destruction of, or injury to, such properties, or a substantial interference with their future usefulness in the performance of adequate and continuous service to the public.

After consideration we find that the proposed temporary lease, which is consistent with that subject to the jurisdiction of the Interstate Commerce Commission under Section 210a(b) of the Interstate Commerce Act, will not be adverse to the public interest. On the basis of this finding we conclude that the temporary lease should be authorized. A public hearing on this aspect of the application is not necessary.

Prior to passing upon the certificate transfer request, this Commission should be advised as to the action of the Interstate Commerce Commission with respect to the corresponding application pending before that Commission pursuant to Section 5 of the Interstate Commerce Act.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be leased temporarily.

INTERIM ORDER

IT IS ORDERED that:

1. California Motor Transport Co., pursuant to the terms and conditions contained in Exhibit J filed in this proceeding, may lease temporarily to Illinois-California Express, Inc., and the latter may operate temporarily, the properties referred to in this proceeding, including the certificate of public convenience and necessity granted by Decision No. 64497, dated November 7, 1962, as amended by Decision No. 64819, dated January 22, 1963, in Application No. 43374.

2. Illinois-California Express, Inc. shall amend or re-issue 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 two days after the date of this order on not less than two days' notice to the Commission and the public, and the effective date

of the tariff filings shall be concurrent with the commencement of the temporary lease 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. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the authority granted by this decision.

3. This application, to the extent that it seeks authority to consummate a transfer, as distinguished from a temporary lease, will receive further consideration upon the filing herein of a copy of an order showing the action of the Interstate Commerce Commission in the corresponding application pending before that Commission pursuant to Section 5 of the Interstate Commerce Act.

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

Dated at San Francisco, California, this 9th day of JANUARY, 1963.

[Signature]
President

[Signature]

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Commissioners