

ORIGINALDecision No. 73694

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of LOM THOMPSON, individually,
and doing business as Thompson
Truck Lines, for authority to
transfer assets; and INTERLINES-
BLANKENSHIP MOTOR EXPRESS, a
California corporation, to acquire
assets and assume liabilities.

Application No. 49842

In the Matter of the Application
of SAN DIEGO-IMPERIAL EXPRESS,
INC., a California corporation,
for authority to transfer assets;
and INTERLINES-BLANKENSHIP MOTOR
EXPRESS, a California corporation,
to acquire assets.

Application No. 49843

O P I N I O N

By these applications authority is requested to transfer the assets and liabilities together with highway common carrier certificates presently held by Lom Thompson, individually and doing business as Thompson Truck Lines (Thompson), and San Diego-Imperial Express, Inc. (San Diego), to Interlines-Blankenship Motor Express (Interlines). Authority is also sought by Interlines to consolidate the assets and liabilities of Thompson and San Diego into its own operation.

Thompson is a highway common carrier operating between points and places in the Los Angeles Basin Territory, on the one hand, and Imperial Valley points, on the other hand, pursuant to authority granted by Decision No. 68871, dated April 13, 1965. Said authority has been the subject of a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC 98234, Subs. Nos. 3 and 4.

San Diego is a highway common carrier operating between San Diego and Imperial Valley pursuant to authority granted by Decision No. 62795, in Application No. 43170. Said authority has been the subject of a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC 121243, Sub. No. 1.

Interlines is a highway common carrier operating between Eureka and Redding on the north and San Diego on the south over various highways in the state pursuant to authority granted by Decisions Nos. 65451 and 66258. Said authority has been the subject of a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC 98327, Subs. Nos. 2 and 3.

Applications have also been filed with the Interstate Commerce Commission pursuant to Section 5 of the Interstate Commerce Act requesting approval of the instant transfers.

Section 5 of the Interstate Commerce Act relates to combinations and consolidations of carriers and provides in part that the authority conferred by such section shall be exclusive and plenary and that any carrier or corporation participating in or resulting from any transaction approved by the Interstate Commerce Commission thereunder shall have full power to carry such transaction into effect and to own and operate any properties and exercise any control on franchises acquired through such transaction without invoking any approval under state authority. The exclusive and plenary nature of jurisdiction by the Interstate Commerce Commission was affirmed by the United States Supreme Court in County of Marin v. United States 356 US.412 (1958).

After consideration the Commission finds that the Interstate Commerce Commission has exclusive and plenary jurisdiction over the instant applications and concludes that the applications should be dismissed.

