ORIGINAL

Decision 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.

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. 49842

Application No. 49843

<u>O P I N I O N</u>

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.

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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 <u>County of Marin</u> v. <u>United States</u> 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.

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Interlines-Blankenship Motor Express is placed on notice that, in the event the transfers are approved by the Interstate Commerce Commission, it should file a true copy of the orders of the Interstate Commerce Commission authorizing the transfers and should amend or reissue the tariffs on file with this Commission naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, said rates and rules. The tariff filings should comply in all respects with regulations governing the construction and filing of tariffs set forth in this Commission's General Order No. 80-A.

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IT IS ORDERED that Applications Nos. 49842 and 49843 are hereby dismissed.

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

Dated at San Francisco, California, this 6th day of FEBRUARY, 1968.

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Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.