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**ORIGINAL**

Decision No. 73732

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MILLAGE TRUCKING, INC., a California  
corporation, for authority to  
transfer assets, and RELIANCE TRUCK  
CO., an Arizona corporation, to  
acquire assets and assume liabilities.

Application No. 49870  
(Filed December 11, 1967)

O P I N I O N

Millage Trucking, Inc. requests authority to sell and transfer and Reliance Truck Co. requests authority to purchase and acquire certain property and operative rights authorizing operations as a highway common carrier.

In addition to operations pursuant to interstate authority applicant seller is also engaged in the transportation of property between points and places in Southern California, between Los Angeles, on the west, Trona and Inyokern on the north, Needles, Earp and Blythe on the east and Desert Center, Mecca and Long Beach on the south. Said operations are conducted pursuant to initial grants and transfers authorized by the following decisions:

<u>Decision No.</u>	<u>Dated</u>	<u>Application No.</u>
63493	April 3, 1962	44200
59804	March 22, 1960	41898
63073	January 9, 1962	41898
48105	December 22, 1952	33528
47804	October 7, 1952	33529
44229	May 23, 1950	30879
62204	June 27, 1961	43435
47947	November 25, 1952	33529
63074	January 9, 1962	42803 - 43435
61352	January 17, 1961	42803

By agreement dated June 1, 1967, the parties agreed to the sale of the property and operative rights of Millage Trucking, Inc., for a cash consideration of \$25,000. Application has 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 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 force 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 U.S. 412 (1958).

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

Reliance Truck Co. 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 the Commission's General Order No. 80-A.

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O R D E R

IT IS ORDERED that Application No. 49870 is hereby dismissed.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of FEBRUARY, 1968.

Edward E. Mitchell  
President

William C. Bennett

Augustine

William Aguirre Jr.

Paul P. Morisset  
Commissioners