

ORIGINALDecision No. 74189

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SCOTT TRANSPORTATION CO., a corporation, to purchase and of ROBERT C. NAPIER TRUCKING INC., a corporation, by A. J. BUMB, Trustee in Bankruptcy, to sell, a certificate of public convenience and necessity for the transportation of general commodities between points in the Los Angeles Basin Territory, pursuant to Sections 851-853 of the Public Utilities Code and Section 5 of the Interstate Commerce Act.

Application No. 50236
(Filed May 14, 1968)

O P I N I O N

This is an application by Scott Transportation Co., a corporation, (hereinafter referred to as Scott) to purchase, and Robert C. Napier Trucking, Inc. (hereinafter referred to as Napier), to sell, all the California intrastate operating authority for the transportation of general commodities between points in the Los Angeles Basin Territory.

Scott is engaged in highway common carrier operations pursuant to a certificate of public convenience and necessity issued in Decision No. 51748, as amended and transferred in Decision No. 58912, and a co-extensive Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-120563, Sub-No. 1 thereof. The agreed purchase price is \$33,000. Scott does not propose to acquire any other assets from Napier.

Napier holds a certificate of public convenience and necessity issued by Decision No. 53155, as modified by Decision

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No. 53851, and ultimately transferred by Decision No. 69348, and a co-extensive Certificate of Registration issued by the Interstate Commerce Commission in Docket No. MC-121160, Sub-No. 1, thereof.

On January 30, 1968, the Interstate Commerce Commission authorized the proposed transaction pursuant to Section 5 of the Interstate Commerce Act, subject to obtaining the transfer of the operating authority requested herein.

After consideration, the Commission makes the following findings:

1. A public hearing is not necessary.
2. The transfer and sale of Napier's intrastate operating authority to Scott would not be adverse to the public interest.

The Commission concludes that the application should be granted as provided by the order which follows.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1968, Robert C. Napier Trucking, Inc., may sell and transfer and Scott Transportation Co., may purchase and acquire, the operative rights referred to in the application. To the extent this transfer results in the duplication of any operating rights, such rights shall be merged and may not be separated to permit later separate transfer or sale.

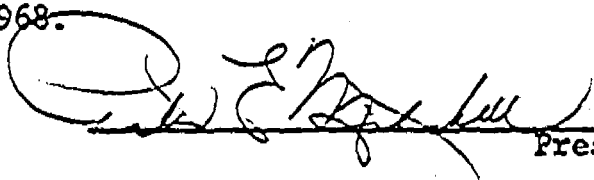
2. Within thirty days after the consummation of the transfer herein authorized, Scott Transportation Co. shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Scott Transportation Co. shall amend or reissue 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 five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer 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.

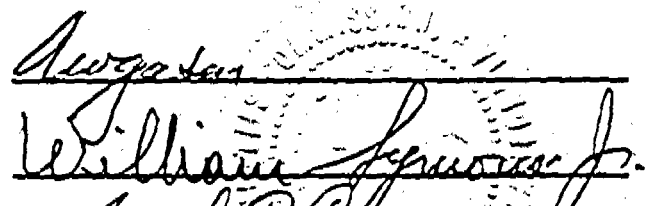
4. On or before the end of the third month after the consummation of the transfer as herein authorized, Scott Transportation Co. shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current fiscal year to and including the effective date of the transfer.

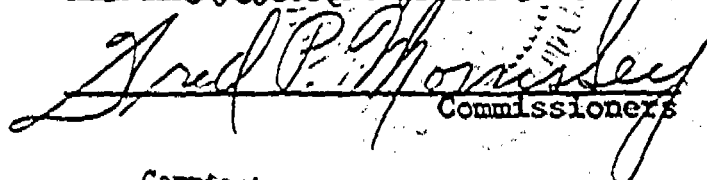
The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th day of MAY, 1968.



President



William M. Bennett


Fred P. Hornsby
Commissioner

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