

ORIGINAL

Decision No. 74507

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
LYLE V. ABBOTT, an individual,)
doing business under the firm)
name and style of Ace City)
Delivery and Ace City Warehouse,)
and)
ACE CITY DELIVERY, a corporation,)
Applicants.)

Application No. 50329
(Filed June 14, 1968)

OPINION AND ORDER

Decision No. 72695 dated July 6, 1967, in Application No. 49349, authorized Lyle V. Abbott, an individual, on or before December 31, 1967, to sell and transfer his highway common carrier certificate of public convenience and necessity and his public utility warehouseman operative right, together with related assets, to Ace City Delivery, a corporation, and authorized the latter to issue 2,000 shares of its no par value capital stock.

By this application, Ace City Delivery requests that the true copy of the instrument of transfer, designated as Exhibit A and attached to the instant application, be considered as having been filed with the Commission at the time any order in this proceeding may be issued. Applicant also seeks to extend the time period within which it shall amend or reissue the tariffs of Lyle V. Abbott on file with the Commission naming rates and rules governing the aforementioned highway common carrier operations to show that it has adopted or established said rates and rules as its own.

Applicant states that, through inadvertence, it neither filed with the Commission a true copy of the bill of sale indicating that such transfer had been consummated nor filed the necessary tariff amendments covering the highway common carrier operation involved within the time period specified in Decision No. 72695, supra.

The application shows that a copy thereof was mailed to Western Motor Tariff Bureau, applicant's tariff agent, on June 13, 1968. The application was listed on the Commission's Daily Calendar of June 19, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that applicant's requests concerning the bill of sale and tariff filings are reasonable and justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Decision No. 72695 dated July 6, 1967, as amended by Decision No. 74082 dated May 7, 1968, in Application No. 49349, is hereby further amended by extending the time limit for compliance with ordering paragraph 4 thereof. The true copy of the instrument of transfer, designated as Exhibit "A" and attached to the application herein, is hereby received in compliance with the provisions of said paragraph 4.

2. Decision No. 72695 dated July 6, 1967, as amended by Decision No. 74082 dated May 7, 1968, in Application No. 49349, is hereby further amended by extending the time limit for compliance with ordering paragraph 5 thereof to and including November 1, 1968.

3. In all other respects, Decision No. 72695, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

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

William Synoux Jr.
President
D. E. Mitchell
William B. Brundage
August
John P. Morrison
Commissioners