

ORIGINAL

Decision No. 74946

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
STAPEL TRUCK LINES, INC., a corpor-)
ation, by ROBERT L. HUGHES, Trustee,)
to sell and transfer a certificate)
of public convenience and necessity)
to C-LINE EXPRESS, a corporation,)
and for C-LINE EXPRESS to operate)
under temporary authority.)

Application No. 50591
(Filed October 7, 1968)

O P I N I O N

Stapel Truck Lines, Inc., by Robert L. Hughes, Trustee, requests authority to sell and transfer and C-Line Express requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operation as a highway common carrier. Pending authorization of this Commission and of the Interstate Commerce Commission of the transfer of corresponding registered rights, authority is requested to exercise the certificate pursuant to a lease arrangement.

The operating authority was granted by Decisions Nos. 59497 dated January 12, 1960; 63091 dated January 9, 1962; 63528 dated April 3, 1962; 63693 dated May 14, 1962; 74082 dated May 7, 1968; and 74541 dated August 13, 1968; and covers the transportation of general commodities between San Francisco, Emeryville, and Oakland, on the one hand; and, on the other hand, Orinda, Lafayette, Walnut Creek, Danville, Concord, Port Chicago, Pittsburg, Antioch, Martinez, Avon, Oakley, Brentwood, Byron, Bethel Island, Clayton, and San Ramon.

According to the application, Stapel was adjudicated a bankrupt by order of the United States District Court on July 24, 1968.

Mr. Robert L. Hughes was appointed as trustee of the estate. On September 4, 1968, the Commission, by Resolution No. 16313, suspended the operating authority of Stapel at the request of the trustee.

On September 18, 1968, the bankruptcy court authorized the sale of the operating authority herein considered to C-Line Express for a cash consideration of \$20,500, subject to the authorization of this Commission.

C-Line Express is presently operating as a highway common carrier and as of June 30, 1968, indicates a net worth in the amount of \$42,559.

The lease agreement provides for a payment of \$100 per month, to be paid during the period of temporary operation and if the sale is approved said payments shall be applied to the purchase price.

The application was listed on the Commission's Daily Calendar of October 8, 1968. No protests have been received.

After consideration, the Commission is of the opinion that the proposed lease and transfer would not be adverse to the public interest. A public hearing is not necessary.

ORDER

IT IS ORDERED that:

1. On or before December 1, 1969, Stapel Truck Lines, Inc., a corporation, by Robert L. Hughes, Trustee, may sell and transfer, and C-Line Express may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, C-Line Express 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. C-Line Express 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 thirty days after the effective date of this order on not less than thirty 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. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, C-Line Express 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 year to and including the effective date of the transfer.

5. Concurrent with the effective date hereof, the operative rights herein considered are reinstated and the suspension heretofore authorized is hereby set aside.

6. Pending consummation of the transfer herein authorized, applicants may execute the lease agreement herein considered according to the terms contained therein.

7. Within sixty days after the date hereof and on not less than five days' notice to the Commission and to the public, applicants shall amend the tariffs presently on file with the Commission in the name of Stapel Truck Lines, Inc., to reflect the lease arrangement herein authorized.

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

Dated at San Francisco, California, this 13th day of NOVEMBER, 1968.

William L. Bennett President

W. P. Monnesse
Commissioners

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

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