

**ORIGINAL**

Decision No. 75204

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }  
SIGNAL TERMINALS, INC., a corpora- }  
tion, for Authority to Acquire }  
Operating Authority of CHAS. J. }  
WORTH DRAYAGE CO., a corporation. }

Application No. 50755  
(Filed December 17, 1968)

INTERIM OPINION AND ORDER

Chas. J. Worth Drayage Co. (Worth) seeks to temporarily lease and to transfer its intrastate certificate of public convenience and necessity to Signal Terminals, Inc. (Signal).

Worth is a California corporation operating as a highway common carrier of general commodities between points from Vallejo, on the north, to San Jose, on the south. In addition, the company is engaged in interstate commerce within the State of California pursuant to a certificate of public convenience and necessity and a certificate of registration issued by the Interstate Commerce Commission, the latter pertaining to said intrastate certificate. For the first ten months of 1968 the carrier reports total operating revenue and net loss of \$387,838 and \$14,984, respectively.

Signal is a California corporation operating as a radial highway common carrier under permit issued by this Commission. For the first ten months of 1968, the company reports total carrier operating income of \$85,882 and a net loss from said operations of \$622. The company also incurred a loss of \$16,299 from non-carrier operations, for a total net loss of \$17,016.

Pursuant to Sections 5 and 210a(b) of the Interstate Commerce Act, applicants are seeking authority from the Interstate Commerce Commission corresponding to that which they are seeking in this proceeding.<sup>1/</sup> Said Section 210a(b) permits that Commission to authorize Signal Terminals, Inc. to operate the involved properties temporarily if it shall appear that failure to grant the temporary authority may result in destruction of, or injury to, such properties, or a substantial interference with their future usefulness in the performance of adequate and continuous service to the public. (California Motor Transport Co. and Illinois California Express, Inc., Decision No. 73609, dated Jan. 7, 1968, in Application No. 49900.)

After consideration we find that the proposed temporary lease, which is consistent with that subject to the jurisdiction of the Interstate Commerce Commission under Section 210a(b) of the Interstate Commerce Act, will not be adverse to the public interest. On the basis of this finding we conclude that the temporary lease should be authorized. A public hearing on this aspect of the application is not necessary.

Prior to passing upon the certificate transfer request, this Commission should be advised as to the action of the Interstate Commerce Commission with respect to the corresponding application pending before that Commission pursuant to Section 5 of the Interstate Commerce Act.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be leased temporarily.

---

<sup>1/</sup> The ICC has authorized the temporary lease of the operative rights to take effect on or before February 3, 1969.

IT IS ORDERED that:

1. Chas. J. Worth Drayage Co., a corporation, pursuant to the terms and conditions contained in Exhibit A to the application herein, may lease temporarily to Signal Terminals, Inc., and the latter may operate temporarily, the properties referred to in this proceeding, including the certificate of public convenience and necessity granted by Decision No. 60378, dated July 5, 1960, as amended by Decision No. 60626, dated August 23, 1960 and Decision No. 63100, dated January 9, 1962, in Application No. 41851.

2. Signal Terminals, Inc. 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 two days after the date of this order on not less than two days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the commencement of the temporary lease 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 authority granted by this decision.

3. This application, to the extent that it seeks authority to consummate a transfer, as distinguished from a temporary lease, will receive further consideration upon the filing herein of a copy

A. 50755 Mjo

of an order showing the action of the Interstate Commerce Commission in the corresponding application pending before that Commission pursuant to Section 5 of the Interstate Commerce Act.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of JANUARY, 1969.

William Lyons Jr.  
President

Augustin  
J. P. Morasse

Commissioners

Commissioner J. P. VUKASIN, JR.

Present but not participating.

Commissioner THOMAS MORAN

Present but not participating.