

ORIGINAL

Decision No. 75272

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
)
 C. R. VON ARX and L. R. VON ARX)
 doing business as RIVERVIEW)
 TRANSPORTATION CO., a partnership,)
 for authority to issue and execute)
 a security agreement and promissory)
 note.)

Application No. 50705
 Filed November 26, 1968
 and Amendment
 Filed January 16, 1969

O P I N I O N

C. R. Von Arx and L. R. Von Arx, partners doing business as Riverview Transportation Co., request an order of the Commission authorizing them to execute and deliver a Security Agreement evidencing an indebtedness of \$77,466.48 in favor of Athens Finance Company.

Applicants operate as a highway common carrier transporting lumber and forest products in portions of northern and central California. For the year 1967 and the first nine months of 1968, they report operating revenues of \$455,045 and \$310,851, respectively.

The partners report an indebtedness to Athens Finance Company in the amount of \$67,853.86 arising from the issuance of two unauthorized evidences of indebtedness providing for combined monthly repayments of \$3,784.48. They indicate that the issues refinanced, and provided funds to finance, the purchase and modification of motor vehicle equipment, certain license and tax fees, and operating capital. Applicants assert that they issued the unauthorized evidences of indebtedness inadvertently without knowledge of the necessity for prior Commission authorization, and with no intention of evading the province and jurisdiction of this Commission.

The proposed \$77,466.48 indebtedness will replace said \$67,853.86 indebtedness, the difference of \$9,612.62 to represent interest. The \$77,466.48 is to be repayable in 24 monthly installments of \$3,227.77 with no installment to become due during the first three months of each year.

After consideration the Commission finds that: (1) the proposed evidence of indebtedness is for a proper purpose; (2) the money, property or labor to be procured or paid for by the issue of the evidence of indebtedness herein authorized is reasonably required for the purpose specified herein; and (3) such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income. On the basis of these findings we conclude that the application, as amended, should be granted. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. C. R. Von Arx and L. R. Von Arx, on or after the effective date hereof and on or before June 30, 1969, for the purpose specified in this proceeding, may execute and deliver a Security Agreement evidencing an indebtedness of not exceeding \$77,466.48. The document shall be in the same form, or in substantially the same form, as that attached to the amendment to the application as Exhibit A.

2. C. R. Von Arx and L. R. Von Arx shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby

made a part of this order.

3. This order shall become effective when C. R. Von Arx and L. R. Von Arx have paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$73.

Dated at San Francisco, California, this 4th day of FEBRUARY, 1969.

William S. ...
President

Augusta

Fred P. ...

Thomas ...

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

