

ORIGINAL

Decision No. 75467

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
 the ESTATE OF CLAIR E. CAMPBELL)
 (HOWARD R. CAMPBELL, EXECUTOR))
 doing business as CAMALL SERVICE,)
 to sell, and CAMALL TRUCKING, INC.,)
 to purchase highway common carrier)
 operating rights, and related assets,)
 and of the application of CAMALL)
 TRUCKING, INC. for authority to)
 issue stock.)

Application No. 50913
Filed February 26, 1969

O P I N I O N

Howard R. Campbell, Executor of the Estate of Clair E. Campbell, deceased, requests an order of the Commission authorizing the estate to sell and transfer a certificate of public convenience and necessity to Camall Trucking, Inc., and authorizing the latter to issue and sell \$40,000 aggregate par value of its capital stock.

By Decision No. 55901, dated December 3, 1957, in Applications Nos. 36121 and 36287, the Commission granted Clair E. Campbell a certificate of public convenience and necessity authorizing him to operate as a highway common carrier for the transportation of property in portions of the State of California. In addition, the Commission has issued permits to Clair E. Campbell, doing business as Camall Service, which permits pertain to various

motor carrier operations. Moreover, he acquired interstate operating authority from the Interstate Commerce Commission. In the fall of 1967 Clair E. Campbell passed away, and the operations have since been conducted by his estate. For the year 1968 the reported gross operating revenues and net income amounted to \$1,225,751 and \$71,716, respectively.

Camall Trucking, Inc. is a California corporation organized on or about December 9, 1968. It has agreed to purchase from the estate said certificate of public convenience and necessity, together with related operating rights, authorities, permits and good will. The purchase price is \$2,000, of which \$200 has been assigned to the California intrastate certificate of public convenience and necessity, \$1,500 to interstate authority, and \$300 to good will.

The corporation proposes to issue 4,000 shares of its capital stock, for cash at their par value of \$10 per share, to Crateo, Inc., of which the carrier would become a wholly owned subsidiary. The proceeds of \$40,000 will be used for working capital. Applicants report that the carrier facilities which have been available to, and used by, the transferor of said certificate of public convenience and necessity will continue to be available for use by the transferee through leasing arrangements.

After consideration the Commission finds that: (1) the proposed transfer would not be adverse to the public interest;

(2) the money, property or labor to be procured or paid for by the issue of the stock 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 should be granted. A public hearing is not necessary.

The action taken herein shall not be construed as a finding of the value of the certificate of public convenience and necessity to be transferred. So far as the rights are concerned the authorization herein granted is for the transfer of the intrastate highway common carrier certificate of public convenience and necessity only. Any transfer of permitted operative rights must be the subject of a separate application or applications.

O R D E R

IT IS ORDERED that:

1. On or after the date hereof and on or before September 30, 1969, Howard R. Campbell, Executor of the Estate of Clair E. Campbell, deceased, may sell and transfer, and Camall Trucking, Inc. may purchase and acquire, the intrastate highway common carrier certificate of public convenience and necessity referred to in the application. The sale and transfer may be made effective as of December 31, 1968, for accounting purposes.

2. Camall Trucking, Inc., on or after the date hereof and on or before September 30, 1969, for the purpose specified in this proceeding, may issue and sell, for cash at their par value of \$10 per share, not exceeding 4,000 shares of its capital stock.

3. Camall Trucking, Inc. 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.

4. Within thirty days after the consummation of the transfer herein authorized, Camall Trucking, Inc. 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.

5. Camall Trucking, 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 thirty days after the 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 acquired pursuant to this decision.

6. Whenever Camall Trucking, Inc. engages other carriers for the transportation of property of Crateo, Inc. or customers or suppliers of said corporation, Camall Trucking, Inc. shall not pay such other carriers rates and charges less than the rates and charges published in Camall Trucking, Inc.'s tariffs on file with the Commission for the transportation actually performed by such other carriers.

7. On or before the end of the third month after the consummation of the transfer as herein authorized, Camall Trucking, Inc. 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 transferor for the period commencing with the first day of the current year to and including the effective date of the transfer, if such date for accounting purposes is other than December 31, 1968.

8. The effective date of this order is the date hereof.

Dated at San Francisco, California,
this 25th day of MARCH, 1969.

William S. Jones Jr.
President

Raymond

W. H. Adams Jr.

[Signature]
Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.