

ORIGINAL

Decision No. 76467

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Aetna Freight Lines,)	
Inc. for Order Transferring Its)	
Certificate of Public Convenience)	
and Necessity to Consolidated)	Application No. 51440
Freightways Corporation of Delaware,)	Filed October 22, 1969
as per Order of Interstate Commerce)	
Commission in Docket No. MC-42487)	
(Sub No. 678).)	

O P I N I O N

Aetna Freight Lines, Inc. requests an order of the Commission authorizing it to transfer its certificate of public convenience and necessity to Consolidated Freightways Corporation of Delaware or, in the alternative, an order reissuing said certificate to the latter.

On August 22, 1969, the Interstate Commerce Commission, through its Division 3, in accordance with Section 5 of the Interstate Commerce Act, authorized the merger of the operating rights and property of Aetna Freight Lines, Inc. into Consolidated Freightways Corporation of Delaware. In this connection a requirement by said Commission reads as follows:

" . . . Consolidated Freightways Corporation Of Delaware, shall prior to, or concurrently with, consummation of the transaction, furnish to the Commission a certified copy of the State certificate as reissued to Consolidated Freightways Corporation Of Delaware or, if the State Commission does not reissue the certificate, a certified copy of the order which approves the transfer of the intrastate certificate, together with a statement in writing confirming the date of consummation of the intrastate transaction."

The application filed in this proceeding refers to Decision No. 71775, dated December 29, 1966, in Application No. 48993, wherein this Commission found that it is without jurisdiction over the transfer of intrastate operating rights to be transferred pursuant to a merger subject to Section 5 of the Interstate Commerce Act. However, the Interstate Commerce Commission has jurisdiction under the Interstate Commerce Act to impose the quoted condition. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Aetna Freight Lines is authorized to transfer its certificate of public convenience and necessity to Consolidated Freightways Corporation of Delaware.
2. Within thirty days after consummation of the merger of the operating rights and property of Aetna Freight Lines, Inc. into Consolidated Freightways Corporation of Delaware, the latter shall file with this Commission a certified copy of the instrument effecting said merger.
3. The Secretary of this Commission shall transmit a certified copy of this decision forthwith to the Interstate Commerce Commission.

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

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

William Amos, Jr.
President

Arthur

J.P. Kavanagh, Jr.

A. Amos

Vernon L. Stinson
Commissioners