

ORIGINAL

Decision No. 76907

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of SIGNAL TERMINALS, INC., a cor-  
poration, for authority to  
acquire operating authority of  
CHAS. J. WORTH DRAYAGE CO., a  
corporation. }

Application No. 50755  
(Filed December 17, 1968;  
amended February 2, 1970)

O P I N I O N

Decision No. 75204, dated January 14, 1969, in this proceeding, authorized Chas. J. Worth Drayage Co. (Worth) to temporarily lease its intrastate highway common carrier certificate of public convenience and necessity to Signal Terminals, Inc. (Signal), pending approval of the transfer of said certificate to Signal. The application indicates that Worth 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.

Decision No. 75204 indicated that applicants are seeking authority from the Interstate Commerce Commission (ICC) corresponding to that which they are seeking in this proceeding, and ordered that 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 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 amendment herein, filed February 2, 1970, states that the ICC application for approval of the certificate transfer was amended to substitute Paxton Trucking Company (Paxton) for Signal; that Signal's agreement with Worth was assigned to Paxton (Appendix 1 to the amendment); and that Signal and Paxton are both wholly owned subsidiaries of Signal Trucking Service, Ltd. The ICC approved the transfer of the Worth certificate to Paxton by its order served January 16, 1970, in Docket No. MC-F-10341 (Appendix 2 to the amendment). No protests were filed to the ICC application.

By the amendment, Paxton joins in the application herein, and seeks to be substituted for Signal. The amendment requests an ex parte order authorizing the transfer of the Worth certificate to Paxton. The amendment states that the parties desire to concurrently consummate the transfer of the interstate and intrastate certificates at the earliest possible time. It is requested that necessary tariff filings be authorized on five days' notice.

The Commission finds that the proposed transfer will not be adverse to the public interest. A public hearing is not necessary. The application, as amended, should be granted. The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Chas. J. Worth Drayage Co., a corporation, may sell and transfer, and Paxton Trucking Company, a corporation, may purchase and acquire, 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. Within thirty days after the consummation of the transfer herein authorized, purchaser 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. Purchaser 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 five days after the effective date of this order on not less than five 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, purchaser 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. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the

certificate. Purchaser is placed on notice that, if it accepts such certificate, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-E.

6. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts of Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

7. Applicant purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

The effective date of this order shall be ten days after the date hereof.

Dated San Francisco, California, this 10<sup>th</sup> day of MARCH, 1970.

William Symons, Jr.  
President  
August  
Thurman  
Thurman  
Vernon L. Latham  
Commissioners