

Decision No. 77156

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
 of LOM THOMPSON, individually,  
 and doing business as Thompson  
 Truck Lines, for authority to  
 transfer assets; and INTERLINES-  
 BLANKENSHIP MOTOR EXPRESS, a  
 California corporation, to acquire  
 assets and assume liabilities.

Application No. 49842

In the Matter of the Application  
 of SAN DIEGO-IMPERIAL EXPRESS,  
 INC., a California corporation,  
 for authority to transfer assets;  
 and INTERLINES-BLANKENSHIP MOTOR  
 EXPRESS, a California corporation,  
 to acquire assets.

Application No. 49843

SUPPLEMENTAL OPINION

Decision No. 73694 in the instant proceedings found that the Interstate Commerce Commission had exclusive and plenary jurisdiction and ordered the application be dismissed. Said decision placed Interlines-Blankenship Motor Express (now System 99) on notice that, in the event the transfers were approved by the Interstate Commerce Commission, it should file a true copy of the orders of the Interstate Commerce Commission authorizing the transfers and should amend or reissue the tariffs on file with this Commission.

On March 25, 1970 System 99 filed a Petition for Supplemental Order Directing Acquiring Carrier's Tariff to Prevail. Said petition advises that the acquisitions have been approved by the Interstate Commerce Commission and that the parties propose to close and consummate April 30, 1970.

System 99 requests an order that System 99's rates, rules, charges and regulations prevail over those of Lom Thompson and San Diego-Imperial Express, Inc., to the extent and in the event that there is conflict between the three. It is alleged that the inconsistencies relate primarily to rules and regulations in the tariff and not generally to substance of charges or rates.

The Commission finds that increases resulting from the order herein are justified.

O R D E R

IT IS ORDERED that:

1. Within thirty days after the consummation of the transfer authorized by the Interstate Commerce Commission, System 99 shall notify the Public Utilities Commission, in writing, of that fact.

2. System 99 shall amend or reissue the tariffs of Lom Thompson, individually and doing business as Thompson Truck Lines, and San Diego-Imperial Express, Inc., a California corporation, 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 one day after the effective date of this order on not less than one day's notice to the Commission and the public, and the tariff filings shall be concurrent with the consummation of the transfer authorized by the Interstate Commerce Commission. 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. In the event System 99 adopts, reissues, or establishes as its own the tariffs of Lom Thompson, individually and doing business as Thompson Truck Lines,

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and San Diego-Imperial Express, Inc., a California corporation, the tariffs of System 99 shall prevail in the event that there should exist any inconsistency between the tariffs of System 99 and those presently on file with this Commission in the name of Lom Thompson, individually and doing business as Thompson Truck Lines, and San Diego-Imperial Express, Inc., and tariffs filed pursuant to this order shall so provide.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th  
day of APRIL, 1970.

William Symons Jr.  
President

August  
J. P. W. W. W.

James L. Stinson  
Commissioners