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ORIGINAL

Decision No. 80253

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ASHWORTH TRANSFER, INC., a Utah cor-)
poration, to temporarily control via)
lease of Operating Rights of WESTATES)
TRANSPORTATION CO., a California)
corporation.)

Application No. 53341
(Filed May 19, 1972)

O P I N I O N

Westates Transportation Co., presently rendering service as a highway common carrier for the transportation of specified commodities and as a petroleum irregular route carrier, requests authority to lease said authority to Ashworth Transfer, Inc., and the latter requests authority to operate pursuant to a lease agreement pending the final decision of the Interstate Commerce Commission authorizing the transfer of said authority.

On January 31, 1972, the Interstate Commerce Commission authorized Ashworth Transfer, Inc., to conduct the operations of Westates Transportation Co. for a period of not to exceed 180 days at a total rental of \$1,000 per month upon the terms and conditions provided in the lease agreement.

The certificates are set forth in Decision No. 61559, dated February 21, 1961, in Application No. 42995, and Decision No. 49654, dated February 9, 1954, in Application No. 35053. Decision No. 61559 authorizes the transportation of property necessary or incidental to the establishment, maintenance, or dismantling of oil, gas or water wells, pipelines, refineries, and cracking or casing head plants, equipment and material used in construction, and equipment used in farming between points throughout the state. Decision No. 49654 authorizes operations as a petroleum irregular route carrier between points throughout the state.

It is alleged that as of November 1971 the assertion of creditors' claims deprived Westates Transportation Co. of much of its equipment and prevented it from continuing any service on its own; and that, as a result, the lease-purchase agreement was entered into.

Ashworth Transfer, Inc., is presently operating in interstate and foreign commerce generally in the 16 western states and as of October 31, 1971, indicated a net worth in the amount of \$708,125.

Upon final approval of the transfer by the Interstate Commerce Commission, which has exclusive jurisdiction pursuant to Section 5 of the Interstate Commerce Act, a subsequent pleading will be filed with this Commission requesting that the certificates be transferred in compliance with the order of the Interstate Commerce Commission.

After consideration the Commission finds that the proposed lease arrangement would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Pending final approval by the Interstate Commerce Commission of the proposed transfer of the operating authority herein considered, Westates Transportation Co. and Ashworth Transfer, Inc., may execute the lease agreement as set forth in Exhibit C attached to the application, according to the terms and conditions as set forth therein.

A. 53341 jmd

2. Within sixty days after the effective date hereof and on not less than one day's notice to the Commission and to the public, applicants shall amend the tariffs presently on file with the Commission in the name of Westates Transportation Co. to reflect the authority herein granted.

3. The granting of the authority, as set forth in ordering paragraph 1 hereof, is conditioned upon the filing by Westates Transportation Co. of its 1971 annual report within sixty days after the effective date hereof and the payment of a \$250 fine for its failure to file said report before May 1, 1972.

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

Dated at Los Angeles, California, this 18th
day of JULY, 1972.

Verma L. Sturges
President
William J. Brown
John W. Brown
Paul W. Brown
Ed. D. Brown
Commissioners