

Decision No. **80502****ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Distribution Systems, Inc., a California Corporation, Imperial Truck Lines, Inc., a California Corporation, and Shippers-Encinal Express, Inc., a California Corporation, for an order authorizing Distribution Systems, Inc., to acquire control of Imperial Truck Lines, Inc., and for Imperial Truck Lines, Inc., to purchase all assets and to assume substantially all liabilities of Shippers-Encinal Express, Inc., and for Imperial Truck Lines, Inc., and the existing shareholders thereof to exchange and enter into a lease respecting certain terminal properties.

Application No. 53120
(Filed August 8, 1972)

OPINION AND ORDER

Application No. 53120 sought an order authorizing Distribution Systems, Inc. to acquire control of Imperial Truck Lines, Inc.; Imperial Truck Lines, Inc. to purchase the assets and assume the liabilities of Shippers-Encinal Express, Inc. and Imperial Truck Lines, Inc. and its shareholders to exchange and enter into a lease with respect to certain terminal properties. On March 21, 1972, the Commission entered Decision No. 79842 which found that the Commission had no jurisdiction over the proposed transactions because they were subject to the jurisdiction of the Interstate Commerce Commission. The application was dismissed.

Shippers-Encinal Express, Inc. and Imperial Truck Lines, Inc. have filed with the Commission a request which indicates that the Interstate Commerce Commission has approved the aforesaid transactions and seeks authority to adopt and modify California tariffs to reflect the results of the consummation thereof.

The Commission makes the following findings and conclusion:

Findings of Fact

1. A public hearing is not necessary in this matter.
2. On March 30, 1972, the Interstate Commerce Commission in No. MC-F-11391 authorized and approved Distribution Systems, Inc. to acquire control of Imperial Truck Lines, Inc.; Imperial Truck Lines, Inc. to purchase the assets and assume the liabilities of Shippers-Encinal Express, Inc. and Imperial Truck Lines, Inc. and its shareholders to exchange and enter into a lease with respect to certain terminal properties.
3. Distribution Systems, Inc. acquired control of Imperial Truck Lines, Inc. on June 30, 1972, by acquiring all of Imperial's outstanding capital stock in accordance with the aforesaid order of the Interstate Commerce Commission.
4. Shippers-Encinal Express, Inc. transferred its assets and substantially all of its liabilities to Imperial Truck Lines, Inc. on July 3, 1972, in accordance with the aforesaid order of the Interstate Commerce Commission.

Conclusion of Law

Distribution Systems, Inc., Imperial Truck Lines, Inc. and Shippers-Encinal Express, Inc. should be authorized to file adoptions, modifications and revisions of tariffs filed with this Commission to reflect the transactions entered into pursuant to the aforesaid order of the Interstate Commerce Commission.

O R D E R

IT IS ORDERED that Distribution Systems, Inc., Imperial Truck Lines, Inc. and Shippers-Encinal Express, Inc. are hereby authorized to file with this Commission adoptions, modifications and

revisions of tariffs presently on file to reflect the transactions entered into by the parties in accordance with Order No. MC-F-11391 entered by the Interstate Commerce Commission on March 30, 1972.

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

Dated at San Francisco, California, this 10th day of SEPTEMBER, 1972.

Vernon L. Stinson
President
William L. Quinn
William L. Quinn
William L. Quinn
William L. Quinn
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.