

ORIGINAL

Decision No. 81313

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application to Transfer Operative
Rights of Stanley A. Cross, dba
Hemet Bus Line to Goldenwest Stage
Lines.

Application No. 53566
(Filed September 1, 1972)

O P I N I O N

Applicant Cross was authorized by Decision No. 69199 in Application No. 47505 to operate as a passenger stage corporation between Hemet and Riverside. Applicant Goldenwest is a California corporation and operates under certificate TCP-109-A as a charter-party carrier of passengers.

Applicant Cross proposes to transfer his operative property and passenger stage certificate to applicant Goldenwest. The application included a balance sheet for Goldenwest, but not financial data for applicant Cross. Goldenwest's balance sheet showed an accumulated operating loss of \$22,000 out of total capital and liabilities of \$41,192.54.

The Commission staff prepared a report on the financial condition of Goldenwest. The report confirmed that Goldenwest had an earned surplus deficit of well over \$20,000; on an adjusted basis the total of capital and liabilities was determined to be \$37,602.

The staff investigator was informed that Goldenwest's owners were attempting to sell both the charter and the passenger stage operations. Because of the possibility that the purchaser might not be the ultimate operator of the passenger stage business and because of Goldenwest's uncertain financial condition, the report recommended denial of the application.

A copy of the staff report was furnished to applicants by means of a letter dated November 20, 1972 which indicated that the matter would be submitted on the basis of the application and staff report unless hearing was requested.

No response has been received. The staff report is incorporated in the record as Exhibit 1.

It further appears that applicant Cross has already transferred his operative property to Goldenwest which has been performing the operations required under the certificate, and that Cross is no longer willing to perform any services.

We do not condone the activities of either party in accomplishing an unlawful transfer. Nevertheless, to avoid a possible discontinuance of service which would be immediately adverse to the public interest, we must reluctantly ratify the transfer.

We find that the transfer would not be adverse to the public interest and conclude that it should be authorized.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1973, Stanley A. Cross may sell and transfer, and Goldenwest Stage Lines may purchase and acquire, the operative rights and property referred to in the application.
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 and timetables 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 and timetable filings shall be made effective not earlier than ten days' after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the consummation of the transfer herein authorized. The tariff and timetable filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs.

and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series. Failure to comply with and observe the provisions of General Orders Nos. 79-Series and 98-Series 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, the rules and other regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 101-Series.

6. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th
day of APRIL, 1973.

Vernon L. Sturgeon
President
William J. ...
J. ...
Commissioners

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.