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ORIGINAL

Decision No. 82262

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 ) Application No. 50755  
acquire operating authority of )  
CHAS. J. WORTH DRAYAGE CO., a )  
corporation. )

SUPPLEMENTAL OPINION AND ORDER

By amendment to the application on file in the above proceeding, Paxton Trucking Company, a corporation (Paxton), was substituted for Signal Terminals, Inc., as the applicant transferee. Subsequently by Decision No. 76907, dated March 10, 1970, Paxton acquired and still holds the highway common carrier authority of the transferor which had been 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, all in Application No. 41851.

Additionally, Paxton possesses a second highway common carrier certificate granted to it by Decision No. 60722, dated September 13, 1960, in Application No. 41619.

Each of the above authorities is the subject of a Certificate of Registration issued by the Interstate Commerce Commission in proceedings held in No. MC-13522 (Sub. Nos. 10 and 14).

In proceeding No. MC-F-9131, decided December 2, 1965, pursuant to Section 5 of the Interstate Commerce Act, Signal Trucking Service, Ltd., a corporation (Signal), acquired control of Paxton through the purchase of all of its outstanding capital stock. While authorizing the acquisition of control, the Interstate Commerce Commission also ordered that Paxton and Signal give consideration to a merger of their operating rights and properties.

On July 28, 1970, Signal Trucking Service, Ltd., filed an application with the Interstate Commerce Commission for a certificate

of public convenience and necessity pursuant to Section 207 of the Interstate Commerce Act, which was assigned proceeding No. MC-868 (Sub. No. 8).

The scope of the authority sought by Signal duplicated, and in some cases exceeded, the interstate authority held by Paxton, as represented in its certificates of registration.

In the report and order of the Administrative Law Judge, service date of October 19, 1972, taking notice of the Commission's conclusions in No. MC-F-9131, it was determined that the present application should be considered as one for the merger of the properties of Signal and Paxton by the transfer and conversion of Paxton's certificates of registration.

Signal was granted a certificate conditioned upon the cancellation of Paxton's certificates of registration and either the revocation or transfer to Signal of Paxton's underlying intrastate authority.

By its decision and order, service date of August 2, 1973, the Interstate Commerce Commission adopted the report and order entered in proceeding No. MC-868 (Sub. No. 8).

Signal Trucking Service, Ltd., also possesses highway common carrier authority from this Commission, which is not registered, and from the Interstate Commerce Commission.

In attempting to comply with the Interstate Commerce Commission's order, Paxton filed with this Commission on September 19, 1973, Applications No. 54333 and No. 54334, to have Paxton's intrastate certificates revoked.

However, the parties have since concluded that this would be uneconomical and have instead submitted a written request to transfer the authority to Signal pursuant to the alternative provided in proceeding No. MC-868 (Sub. No. 8). They further request that if the transfer is approved Application No. 54333 and No. 54334 be dismissed.

This Commission takes notice of a finding in the order of the Interstate Commerce Commission that the decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

After consideration, the Commission finds that the transfer of Paxton Trucking Company's certificated authority underlying its certificates of registration as ordered in proceeding No. MC-868 (Sub. No. 8) will not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary.

Applications No. 54333 and No. 54334, will be disposed of by a separate order of the Commission.

The acquisition of the highway common carrier certificates being authorized herein shall not be deemed to authorize separate operative rights to transport the same commodities between the same points.

Because of the urgency of this matter, the authorities of Signal and Paxton will not be restated at this time, but at a later date as provided by the order which follows.

#### ORDER

1. On or before May 1, 1974, Paxton Trucking Company may transfer the certificate granted by Decision No. 60722, dated September 13, 1960, in Application No. 41619, as amended by Decision No. 69396, dated July 13, 1965, in Application No. 47596 and that which was acquired by Decision No. 76907, dated March 10, 1970, in Application No. 50755, to Signal Trucking Service, Ltd.

2. Transferee shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the 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 transfer. 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-Series. Failure to comply with the provisions of General Order No. 80-Series may result in a cancellation of the operating authority granted by this decision.

3. On or before the end of the third month after the transfer the transferee 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 transferor for the period commencing with the first day of the current year to and including the effective date of the transfer.

4. Compliance with ordering paragraph 2 shall constitute acceptance of the certificated authorities transferred and notification of the completion of the transfer.

5. To the extent of any duplication, the highway common carrier rights of Signal Trucking Service, Ltd., and those acquired from Paxton Trucking Company, upon the completion of the transfer herein authorized shall be deemed to be merged so that such operative rights may not later be separated to permit the holder to sell or transfer one certificate authority and retain another to transport the same commodities between the same points.

6. Within one hundred eighty days after the effective date of this order Signal Trucking Service, Ltd., shall submit to this Commission proposed in-lieu certificates of public convenience and necessity describing and consolidating all of its various highway common carrier operating authorities as granted by this Commission. Such proposed certificates shall reflect the current designations of highways and roads as used to describe its authority and shall not, unless submitted with a proper application, exceed in any way the scope of the authorities authorized by the Commission in the decisions they are intended to replace. To the extent possible,

Signal Trucking Service, Ltd., shall, in submitting the proposed in-lieu certificates, eliminate any overlapping and duplicate authorities that may now exist.

7. Transferee shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

8. Transferee 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.

9. Transferee shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If it 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 is the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup> day of December, 1973.

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*William L. Sturgeon* President

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*Mark A. ...*

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*Vernon L. Sturgeon*

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.