

Decision No. 82485**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )

ANAHEIM TRUCK &amp; TRANSFER CO., )

a California corporation, For an )  
Order Authorizing It to Issue )  
Stock; and of )

Application No. 50549

CHARLES A. PEARSON, )

d/b/a/ ANAHEIM TRUCK &amp; TRANSFER CO. )

to Transfer All of His Assets and )  
Property in Exchange for Said )  
Shares. )SUPPLEMENTAL OPINION AND ORDER

Anaheim Truck & Transfer Co., a California corporation (Anaheim), by Decision No. 74815, dated October 15, 1968, in the above proceeding acquired certificates of public convenience and necessity authorizing operations as; (1) a highway common carrier; (2) a petroleum irregular route carrier and; (3) as a public utility warehouseman.

The highway common carrier authority acquired is described in an in-lieu certificate issued by Decision No. 61264, dated December 28, 1960, as amended by Decision No. 63043, dated January 9, 1962, both in Application No. 42491, and further amended by Decision No. 74082, dated May 7, 1968 and Decision No. 74541, dated August 13, 1968, in Application No. 48547. This certificate is the subject of a certificate of registration, issued by the Interstate Commerce Commission in Docket No. 4983 (Sub No. 5), which authorizes coextensive operations in interstate and foreign commerce.

The certificate authorizing operations as a petroleum irregular route carrier was issued by Decision No. 44391, dated June 20, 1950, in Application No. 31228.

By Decision No. 82274, dated December 13, 1973, in Application No. 54500, as a related part of the transaction considered herein, City Transfer, Inc., a California corporation (City), acquired the public utility warehouseman certificate of Anaheim.

City also operates as a highway common carrier of general commodities pursuant to an in-lieu certificate of public convenience and necessity issued by Decision No. 77693, dated September 1, 1970, in Application No. 52066, as amended by Decision No. 81845, dated September 5, 1973, in Application No. 54153. Its certificates of registration, evidencing its right to perform coextensive operations in interstate and foreign commerce, were issued in Docket No. MC-96697 (Sub nos. 1 & 4).

By letter received January 7, 1974, City's attorney forwarded a copy of an Interstate Commerce Commission order issued in Proceeding No. MC-F-11862, service date of September 28, 1973. This order, issued under authority of Section 5 of the Interstate Commerce Act, authorized City to acquire control of the rights and properties of Anaheim through the purchase of all of its issued and outstanding stock and to merge those rights and properties with its own.

Also forwarded are the written consent of the sole shareholder of City and of Anaheim, to wind up and dissolve Anaheim and the certificate of election of the board of directors to wind up and dissolve, filed with the California Secretary of State on November 28, 1973.

Pursuant to the aforementioned, Anaheim Truck & Transfer Co., was merged with City Transfer, Inc., on November 20, 1973.

A. 50549 - LTC\*

This Commission is requested to reissue Anaheim's operating authority in the name of City.

The documents submitted evidence the exercise of the exclusive and plenary jurisdiction of the Interstate Commerce Commission in a proceeding under Section 5 of the Interstate Commerce Act. All of Anaheim's rights and properties are involved, including those that are strictly intrastate in character.

This Commission takes notice of a finding 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 operating authorities now in the name of Anaheim Truck & Transfer Co., should be reissued in the name of City Transfer, Inc., as provided by the order herein. A public hearing is not necessary.

The order which follows will provide for the restatement, at a later date, of all of the common carrier authority issued to, or acquired by City Transfer, Inc.

IT IS ORDERED that:

1. All highway common carrier and petroleum irregular route authority presently in the name of Anaheim Truck & Transfer Co., issued by this Commission, is reissued in the name of City Transfer, Inc. For record keeping purposes such authorization may be effective from November 20, 1973.

2. City Transfer, Inc., shall amend or reissue the tariffs on file with this Commission, naming rates and rules governing the common carrier operations reissued to it, to show that it has adopted or established, as its own, rates and rules governing the authority referred to in paragraph 1 hereof. 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 March 31, 1974, City Transfer, Inc., shall caused to be filed with this Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of Anaheim Truck & Transfer Co., for the period commencing with the first day of 1973 to and including November 20, 1973.

4. City Transfer, Inc., shall comply with the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.

5. Within one hundred eighty days after the effective date of this order City Transfer, Inc., shall submit to this Commission a proposed in-lieu certificate of public convenience and necessity describing and consolidating all of its highway common carrier operating authorities as granted by this Commission. Such proposed certificate 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 authority authorized by the Commission in the decisions it is intended to replace. To the extent possible, City Transfer, Inc., shall, in submitting the proposed in-lieu certificate, eliminate any overlapping and duplicate authorities that may now exist.

A. 50549 - LTC

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of  
February, 1974.

Vernon L. Sturgeon  
President

William J. Sisson

William J. Sisson

William J. Sisson

William J. Sisson  
Commissioners