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Decision No. 82941

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of

YELLOW FREIGHT SYSTEM, INC.,
an Indiana corporation,

and

CAREY TRUCK LINE, INC.,
a California corporation,

to transfer the certificate of
public convenience and necessity
of Carey to Yellow and, in the
alternative, for Yellow to acquire
control of Carey through purchase
of capital stock.

Application No. 54812
(Filed April 17, 1974)

O P I N I O N

Carey Truck Line, Inc. seeks authority to transfer its highway common carrier certificate of public convenience and necessity to Yellow Freight System, Inc., and, in the alternative, the latter seeks authority to control the former through acquisition of capital stock.

By Decision No. 82694, dated April 2, 1974, in Application No. 54719, this Commission granted Yellow Freight System, Inc. a certificate of public convenience and necessity authorizing it to conduct operations as a highway common carrier for the transportation of commodities between various points within the State of California.

Carey Truck Line, Inc. operates as a highway common carrier of commodities in portions of the southern one-half of the State of California pursuant to the certificate of public convenience and necessity granted by Decision No. 61200, dated December 13, 1960, in Application No. 42522.

Both applicants operate under the jurisdiction of the Interstate Commerce Commission with which they have filed a corresponding application under Section 5 of the Interstate Commerce Act.

Section 5 of the Interstate Commerce Act provides, in part, that the authority conferred by such section shall be exclusive and plenary, and that any carrier or corporation participating in, or resulting from, any transaction approved by the Interstate Commerce Commission thereunder shall have full power to carry such transaction into effect, and to own and operate any properties and exercise any control or franchises acquired through such transaction, without invoking any approval under State authority.

After consideration this Commission finds that it is without jurisdiction over the proposed transactions. On the basis of this finding we conclude that the application should be dismissed. A public hearing is not necessary.

O R D E R

IT IS ORDERED that Application No. 54812 is hereby dismissed.

IT IS FURTHER ORDERED that Yellow Freight System, Inc. shall file with this Commission a copy of each order issued by the Interstate Commerce Commission in connection with matters involved in Application No. 54812.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 5th day of JUNE, 1974.

Vermon L. Stryker
President
William Lyons, Jr.
William Lyons, Jr.
William Lyons, Jr.
William Lyons, Jr.
Commissioners