

ORIGINAL

Decision No. 85915

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of (1) THEODORE F. ROCKE, an)
individual, to buy, and EAGLE)
TRUCK LINES, INC., a California)
corporation, to sell certificates)
of public convenience and neces-)
sity; (2) EAGLE TRUCK LINES, INC.)
for authority to suspend opera-)
tions under certain certificates)
of public convenience and neces-)
sity; and (3) EAGLE TRUCK LINES,)
INC. to sell certain tangible)
properties.)

Application No. 56398
(Filed April 9, 1976
Amended May 14, 1976)

O P I N I O N

By this application, as amended, Eagle Truck Lines, Inc., requests the Commission to suspend its certificates of public convenience and necessity and to authorize the sale of certain highway equipment listed in Appendix "C" to the application.

The application indicates that within recent years the carrier has found itself in an increasingly adverse financial posture. Its balance sheet and profit and loss statement (Appendices "D" and "E") reflect an excess of current liabilities over current assets by \$219,343 and a net loss of \$46,515 for the last quarter of 1975. As the consequence of the foregoing, applicant desires to terminate its transportation activities. To accomplish this, it proposes to sell within the next several months the equipment at the most advantageous prices obtainable.

The certificates to be suspended were granted or acquired by and authorize:

1. Decision 67838, dated September 15, 1964, in Application 44619 - transportation of general commodities with the usual

exceptions within the Los Angeles Basin Territory and between said territory and San Diego and Escondido.

2. Decision 76513, dated December 4, 1969, in Application 51504 - transportation of general commodities with the usual exceptions over certain routes and also specific commodities over other routes; said routes constituting an extensive network located in the general area from the San Francisco and Sacramento to the California-Mexican Border.

The operating authorities granted by the above decisions include significant overlaps and duplications. In Application 51504, the applicants recognized that fact and requested the Commission not to eliminate the redundancies by merging the rights in an in-lieu certificate because of a security agreement affecting the certificate and possible complications in registering the certificate with the Interstate Commerce Commission. The Commission's acquiescence to this request did not result in the existence of separate operating rights whereby one certificate may be sold to one party and duplicating rights, in whole or in part, may be retained or sold to some other party.

A copy of the application was served on the California Trucking Association and notice of the filing of the application and its amendment appeared in the Commission Daily Calendar of April 12 and May 17, 1976, respectively. No protests to the application, as amended, have been received. There are numerous other highway common carriers available to provide the services to the public heretofore provided by the applicant.

After consideration, the Commission finds:

1. The proposed suspension of service would not be adverse to the public interest.
2. The equipment proposed to be sold will no longer be necessary or useful in the performance of applicant's duty to

the public as a public utility.

3. The certificates of public convenience and necessity heretofore granted to applicant constitute a single operating right and duplication and overlaps which exists in the description thereof are not to be construed as granting more than one certificated authority to transport the same commodities between the same points.

The Commission concludes that the application, as amended, should be granted. A public hearing is not necessary.

The Commission further concludes that the effective date of this order should be the date on which it is signed because there is no known opposition and no reason to delay granting the relief requested.

O R D E R

IT IS ORDERED that:

1. On or before June 22, 1977 Eagle Truck Lines, Inc., may sell the equipment referred to in the application.
2. Concurrent with the tariff filings required by Ordering Paragraph 3 hereof, the operating authorities granted by Decisions 67838 and 76513 are hereby suspended.
3. Within thirty days after the effective date hereof and on not less than five days' notice to the Commission and to the public, applicant shall amend its tariff presently on file with this Commission to reflect the authority herein granted.
4. During the period of suspension, Eagle Truck Lines, Inc., shall continue to file quarterly reports and pay fees and taxes pursuant to Sections 4304 and 5003.1 of the Public Utilities Code and file annual financial report.
5. Prior to the expiration date of the suspension period or the date service is resumed when the latter date is earlier than said expiration date, Eagle Truck Lines, Inc., shall file a list of

motor equipment to be operated, and file and have in effect evidence of adequate liability insurance protection as required by the Commission's General Order 100-H.


6. Tariff schedules naming rates and rules governing the common carrier operations herein shall be brought up to date in compliance with all applicable Commission minimum rate orders. The required tariff filings shall be made effective on not less than ten days' notice to the Commission and to the public and the effective date of the tariff filings shall be concurrent with the expiration date of the suspension period or the date when service is resumed when the latter date is prior to said expiration date.

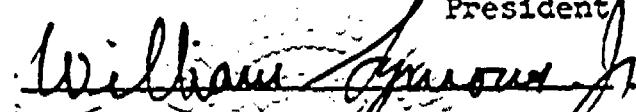
7. The authority to suspend operations granted herein shall expire on June 22, 1977, or upon earlier resumption of operations which may be effected upon compliance with Ordering Paragraphs 4, 5 and 6.

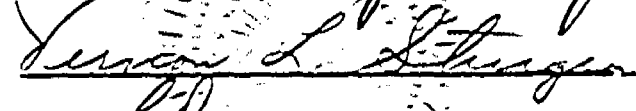
Eagle Truck Lines, Inc., is placed on notice that commencement of operations under the certificates referred to in Ordering Paragraph 2 herein, prior to compliance with Ordering Paragraphs 4, 5 and 6, may be cause for further suspension or revocation of its operating authority.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd day of June, 1976.



President


William L. Strang


Robert Bateman

Commissioners