

SEG/FS

Decision No. 89976 FEB 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
))
REYNOLDS MERGER CORP. a New York)
corporation,)
))
R. J. REYNOLDS INDUSTRIES, INC.,)
a Delaware corporation,)
))
DEL MONTE CORPORATION, a New York)
corporation, and)
))
SHIPPERS IMPERIAL, INC., a)
California corporation,)
))
for an order authorizing Reynolds)
Merger Corp. and its parent,)
R. J. Reynolds Industries, Inc.,)
to acquire control of Shippers)
Imperial, Inc. by merger of Del)
Monte Corporation, whose subsid-)
iary is parent of Shipper)
Imperial, Inc., with and into)
Reynolds Merger Corp.)

Application No. 58560
(Filed December 29, 1978)

ORDER OF DISMISSAL

On December 29, 1978, applicants' attorney filed a motion to dismiss the application for lack of jurisdiction.

The Commission finds that the applicants' assertion of the exclusive and plenary jurisdiction of the Interstate Commerce Commission in this matter is correct, and concludes that the application should be dismissed.

At such time as the Interstate Commerce Commission issues its order approving the acquisition of Shippers Imperial, Inc. through merger of Del Monte Corporation whose subsidiary, Distribution Systems, Inc., is the parent company of Shippers Imperial, Inc., the applicants shall file a copy of said order with this Commission.

IT IS ORDERED that Application 58560 is hereby dismissed.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14th
day of FEBRUARY, 1979.

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

John E. Boyer
President

Thomas L. Sturgeon

Clair T. DeLoach

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

Commissioners