

Decision No. 91346 FEB 13 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of ALLTRANS EXPRESS CALIFORNIA, )  
INC. for authority to sell (1) its )  
operating authority as a highway )  
common carrier; and (2) certain )  
property used in its public utility )  
operations; and of DELTA LINES, )  
INC. for authority to purchase the )  
operating authority as a highway )  
common carrier of ALLTRANS EXPRESS )  
CALIFORNIA, INC. )

Application No. 54997

ORDER AUTHORIZING ALLTRANS EXPRESS  
U.S.A. INC., AND DELTA LINES INC.,  
TO FILE TARIFFS ON LESS THAN  
STATUTORY NOTICE

By Decision 83292, dated August 6, 1974 Alltrans Express California Inc., (Alltrans) was authorized to sell and transfer its California intrastate highway common carrier and express operating rights, and Delta Lines Inc., (Delta) was authorized to purchase and acquire said rights.

On December 22, 1978 the Commission, by Decision 89815, denied the application and the authority previously granted by Decision 83292, as a result of a limited rehearing ordered by the Commission in its Decision 83581 issued October 8, 1974. The Commission had ordered the limited rehearing of Decision 83292 to allow the introduction of additional evidence (a) with respect to the effect on competition and (b) with respect to waiver of certain guarantees involved in the financing.

Delta's petition for rehearing of Decision 89815 was denied by Decision 90408 dated June 5, 1979.

Under the authority granted by Decision 83292, Alltrans had canceled its participation in Western Motor Tariff Bureau (WMTB) tariffs effective August 19, 1974. (1)

(1) Alltrans participated in WMTB Tariffs Nos. RFSL 1-A; ES 1-B; PD 1-A; SO-4; LFT 16; LF & ET 18; LFT 19; SO-100; L & PF & ET 104-A; LF & ET 106; MPST 108; LJ & PF & ET 109; LJ & PF & ET 111; LFT 113; 117; LF & ET 118; LF & ET 126 and DT 7.

Also, Delta had amended its participation in WMTB No. 100 to include the newly acquired operating rights obtained from alltrans that was authorized by Decision 83292. Delta's tariff amendment became effective January 16, 1975.

By Decision 89815 Alltrans was ordered to file with the Commission, within ninety days from the effective date of the order, its proposed plan for disposition of the involved intrastate operating rights.

Alltrans's letter to the Commission dated May 30, 1979 states:

1. "The authority which is subject to Decision No. 89815 will be offered for sale, subject to necessary Commission approvals, for a period of ninety (90) days following approval of this disposition plan by the Commission."
2. "If no offer to purchase said authority which is acceptable to Alltrans is received within such ninety-day period, Alltrans will surrender its intrastate authority to the Commission."

The above mentioned letter apparently was not received by the Commission.

On January 4, 1980, Alltrans wrote another letter to the Commission stating:

"With reference to our proposed plan dated May 30, 1979 heretofore filed, and subsequent communications had with your Commission in the above matter, we hereby amend our above proposed plan by respectfully advising the Commission in accordance with ordering paragraph 2 of Decision No. 89815 as follows:

"Alltrans Express U.S.A., Inc., formerly named and in the above decision referred to as Alltrans Express California, Inc., intends to operate the Intrastate Highway Common Carrier Operating Authority which is subject matter of Decision No. 89815, by servicing the area described in such Authority and intends to expand its business in order to continue to permanently service such area."

An analysis of the Commission's official tariff files shows that Delta and Alltrans have not reinstated their tariffs for resumption of operations in accordance with their highway common carrier and express operating rights conducted prior to issuance of Decision 83292.

After consideration the Commission finds:

1. The proposed sale and transfer of the operating rights was not authorized by the Commission.
2. Delta's existing tariff publications reflect the operating rights acquired from Alltrans Express California, Inc.
3. Alltrans has not filed its tariffs with this Commission for resumption of its highway common carrier and express services.

The Commission concludes that public convenience and necessity requires Delta and Alltrans resume their operations as heretofore; that they be authorized to reinstate their tariffs as expeditiously as possible, and without regard to the 30 days statutory notice. The effective date of this order should be the date hereof because there is an immediate need for resumption of services. A public hearing is not necessary.

IT IS ORDERED that:

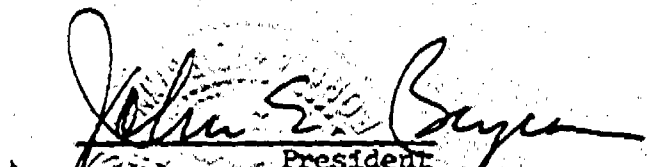
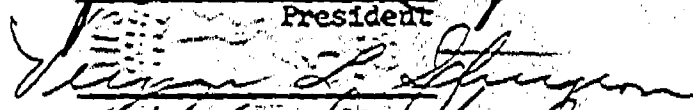

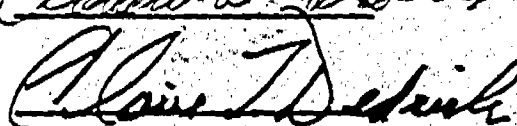
1. Delta Lines Inc., shall amend and reissue its tariffs divesting the additional operating rights acquired from Alltrans Express California, Inc.
2. Alltrans Express U.S.A., Inc., formerly known as Alltrans Express California Inc., shall file tariffs with this Commission for resumption of operations as a highway common carrier and express corporation.
3. Within thirty days after the effective date of this order, Delta Lines Inc., and Alltrans Express U.S.A., Inc., shall file tariffs in triplicate, in the Commission's office.

4. The tariff filings required by paragraphs 1, 2 and 3 hereinabove 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 to the public.

The Executive Director shall cause service of this order to be made upon Delta Lines, Inc., and Alltrans Express U.S.A. Inc., or to mail copies thereof to them at their last known addresses as shown in the Commission's records and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

The effective date of this order is the date hereof.

Dated FEB 13 1980, at San Francisco, California.

  
President  
  
  


Commissioners

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