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**Before the Iowa State Commerce Commission: in the matter of an application for the commission's approval of the transfer of liquid transport carrier certificate of convenience and necessity no. LC-25.
:docket no. DLC-418 : decision and order decided April 26, 1974.**

RELEASED FOR PUBLICATION
AND BROADCASTING
IMMEDIATELY
By MAURICE VAN NOSTRAND, Chairman
Iowa State Commerce Commission

STATE OF IOWA

IOWA STATE COMMERCE COMMISSION

IN THE MATTER OF AN APPLICATION)
FOR THE COMMISSION'S APPROVAL OF)
THE TRANSFER OF LIQUID TRANSPORT)
CARRIER CERTIFICATE OF CONVENIENCE)
AND NECESSITY NO. LC-25. MARION H.)
POTHOVEN, D/B/A POTHOVEN OIL COMPANY,)
OSKALOOSA, IOWA, TRANSFEROR AND)
POTHOVEN TRANSPORT, INC., OSKALOOSA,)
IOWA, TRANSFEREE)

DOCKET NO. DLC-418

ORDER GRANTING TRANSFER OF LIQUID CARRIER
CERTIFICATE OF CONVENIENCE AND NECESSITY NO. LC-25.

(Issued April 26, 1974)

APPEARANCES:

ROBERT R. RYDELL, Attorney at Law (Teddell, Miller,
Rydell & Hall), 900 Savings & Loan Building, Des
Moines, Iowa, appearing for the Applicant.

GARY ANKENY, Assistant Commerce Counsel, Iowa State
Commerce Commission, 300 Fourth Street, Des Moines,
Iowa, appearing on behalf of the Commission Staff.

Pursuant to statutory notice published in all ninety-nine
counties, hearing was held on April 9, 1974, on Application for
the Commission's approval of transfer of Liquid Transport Carrier
Certificate of Convenience and Necessity No. LC-25 which authorizes
the transportation of liquids in bulk between all points in Iowa.
No objection to the application was filed. This Order grants such
Application to transfer the grandfather permit presently held by
Marion H. Pothoven, doing business as Pothoven Oil Company,
Oskaloosa, Iowa, to Pothoven Transport Inc., Oskaloosa, Iowa.

Marion H. Pothoven, doing business as Pothoven Oil Company,
has been operating continuously as a sole proprietorship since
1939. The main purpose of the transfer of the certificate to
Pothoven Transport, Inc., is to accommodate Marion H. Pothoven's

financial planning.

Marion H. Pothoven, an officer and stockholder in Pothoven Transport, Inc., testified that Pothoven Transport, Inc., is not engaged directly in for hire transportation of liquids, nor has it engaged in the leasing of equipment for such purposes. He also testified that Pothoven Transport, Inc., has adequate financial resources available to it and has the necessary equipment to provide adequate service to the public.

The Commission finds:

1. It has jurisdiction of the parties and subject matter pursuant to Section 327A.14, Code of Iowa, 1973.
2. Pothoven Transport Inc., Oskaloosa, Iowa, is not engaged in for hire transportation of liquid products in bulk or freight nor has it engaged in leasing of equipment for such purposes.
3. The Transferee has the necessary motor equipment and is financially able to provide the proposed service.
4. It is in the public interest and good cause has been shown to approve the transfer of Liquid Carrier Certificate No. LC-25 from Marion H. Pothoven, doing business as Pothoven Oil Company, Oskaloosa, Iowa, to Pothoven Transport, Inc., Oskaloosa, Iowa, transferee.

The Commission orders:

That a Resolution be issued in accordance with these findings after the Transferee has filed the necessary liability, damage and cargo insurance and tariff acceptable to the Commission.

IOWA STATE COMMERCE COMMISSION

Maunse Van Nostrand
Chairman

Fred H. Miller
Commissioner

ATTEST:

Don A. Biley
Secretary

Howard Bell
Commissioner

Dated at Des Moines, Iowa, this 26th day of April, 1974.

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