

Decision No. 70252**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 H. NORMAN JOHNSON, JR. and)
 SHIRLEY M. BYNUM, a copartnership,)
 doing business as Johnson-Bynum,)
 to sell and transfer, and of)
 H. NORMAN JOHNSON, JR. and)
 E. Moe McCOCK, copartners, doing)
 business as J & M Trucking Co.,)
 to acquire a cement carrier carti-)
 ficate and certain automotive)
 equipment of the transferor,)
 pursuant to the provisions of)
 Section 851 etc. of the Public)
 Utilities Code.)

Application No. 48068
 (Filed November 19, 1965)

O P I N I O N

H. Norman Johnson, Jr. and Shirley M. Bynum, a copartner-
 ship, doing business as Johnson-Bynum, request authority to sell and
 transfer and H. Norman Johnson, Jr. and E. Moe McCook, copartners,
 doing business as J & M Trucking Co., request authority to acquire a
 cement carrier certificate and certain operating equipment.

The certificate was issued by Commission Resolution
 No. 13823, Sub. No. 10, dated June 23, 1964, in Application No. 46531,
 and authorizes operations in Contra Costa, Fresno, Imperial, Kern,
 Los Angeles, Marin, Merced, Napa, Orange, Riverside, San Bernardino,
 San Diego, San Francisco, San Joaquin, Santa Barbara, Sonoma, and
 Ventura Counties. The agreed cash consideration for the certificate
 and good will is \$1,000.

The equipment consists of two tractors and two trailers.
 Liability under sales contracts covering the purchase of the equip-
 ment will be assumed by the new partnership.

The new partnership will for all practical purposes be a continuation of the operations of the old partnership. Shirley M. Bynum is the sister of H. Norman Johnson, Jr. and has only a twenty percent limited partnership interest in the old partnership. E. Moe McCook, who is becoming an equal partner with Mr. Johnson, has had experience in the field.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The certificate involved will be revoked and an in lieu certificate will be issued in appendix form.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1966, H. Norman Johnson, Jr. and Shirley M. Bynum may sell and transfer, and H. Norman Johnson, Jr. and E. Moe McCook may purchase and acquire, the operative rights and property and assume the liabilities referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, H. Norman Johnson, Jr. and E. Moe McCook shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. H. Norman Johnson, Jr. and E. Moe McCook shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations herein to

show that they have adopted or established as their own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, H. Norman Johnson, Jr. and E. Moe McCook shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. Concurrently with the tariff filings required by ordering paragraph 3 hereof, the operating authority granted by Resolution No. 13823, Sub. No. 10, dated June 23, 1964, in Application No. 46531, is hereby revoked and in its place and stead a certificate of public convenience and necessity is hereby granted to H. Norman Johnson, Jr. and E. Moe McCook authorizing them to operate as a cement carrier,

as defined in Section 214.1 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof.

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

Dated at San Francisco, California, this 18th day of JANUARY, 1966.

Friedrich B. Haldeff
President

Robert E. [unclear]

George A. [unclear]

[unclear]

William L. [unclear]
Commissioners

