

ORIGINAL

Decision No. 72376

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of: )  
) )  
Javco Trucking, a corporation, )  
to purchase, and of John R. Webb, )  
doing business under the )  
fictitious firm name of Webb )  
Truck Co., an individual, to )  
sell, a certificate of public )  
convenience and necessity for )  
the transportation of general )  
commodities between points in )  
Los Angeles and Los Angeles )  
Harbor, pursuant to Sections )  
851-853 of the California Public )  
Utilities Code; and for said )  
corporation to issue stock, )  
pursuant to the Public Utilities )  
Code, 816 et seq. )

Application No. 49252  
Filed March 31, 1967

O P I N I O N

This is an application for an order of the Commission (1) authorizing John R. Webb, doing business as Webb Truck Co., to sell and transfer his highway common carrier certificate of public convenience and necessity to Javco Trucking, a corporation, and (2) authorizing the latter to issue 2,500 shares of its \$10 par value capital stock and to assume certain liabilities.

Pursuant to authority granted by Decision No. 62797, dated November 14, 1961, as amended, in Application No. 43790, John R. Webb acquired a highway common carrier certificate of public convenience and necessity which authorizes the

transportation of general commodities in a portion of Los Angeles County. The carrier also possesses a radial highway common carrier permit issued by this Commission, as well as authority to engage in operations subject to the jurisdiction of the Interstate Commerce Commission.

It appears that John R. Webb is unable to meet certain financial obligations. In order to avoid a bankruptcy proceeding and to provide a means of paying such obligations, he proposes to sell and transfer said highway common carrier certificate of public convenience and necessity, together with his interstate operating authority, to Javco Trucking for an agreed consideration of \$8,500.

Javco Trucking is a California corporation organized on or about March 13, 1967. It seeks authority to issue \$25,000 aggregate par value of its capital stock to Jerry Frontino and to his son, Vincent Frontino, for the purpose of financing the \$8,500 purchase price of said operating authorities, together with the acquisition from Vincent Frontino of his radial highway common carrier business known as Frontino Trucking, subject to existing liabilities of the latter. The corporation proposes to assign \$1,000 of the \$8,500 purchase price to said certificate of public convenience and necessity.

The balance sheet of Frontino Trucking dated as of December 31, 1966, attached to the application as Exhibit No. 9, shows total assets of \$48,724, after deducting the depreciation reserve, which assets are offset by accounts payable and contracts payable amounting to \$557 and \$26,758, respectively, and by net worth of \$21,409.

The Commission has considered this matter and finds that: (1) the proposed transactions will not be adverse to the public interest; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein; and (3) such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. On the basis of these findings we conclude that the application should be granted. A public hearing is not necessary.

The action taken herein shall not be construed as a finding of the value of the certificate of public convenience and necessity and other assets to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1967, John R. Webb may sell and transfer, and Javco Trucking may purchase and acquire, the highway common carrier certificate of public convenience and necessity specified in this proceeding in accordance with terms of the Agreement attached to the application as Exhibit No. 4.

2. Javco Trucking may assume the liabilities of Vincent Frontino referred to in the application, and may issue not to exceed 2,500 shares of its \$10 par value capital stock for the purposes specified in this proceeding.

3. Javco Trucking shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the consummation of the transfer herein authorized, Javco Trucking 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.

5. Javco Trucking shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the highway common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than thirty days after the 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. 80-A.

6. The effective date of this order is the date hereof.

Dated at San Francisco, California, this

2nd day of MAY, 1967.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.