

Decision No. 75525

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PHILLIP L. WEBB doing)
 business as WEBB'S DELIVERY SERVICE,)
 to sell, and of WEBB DELIVERY SERVICE,)
 INC., to acquire certificate of)
 convenience and motor vehicle equipment,)
 and for WEBB DELIVERY SERVICE, INC.,)
 to issue stock.)

Application No. 50954
Filed March 12, 1969

O P I N I O N

Phillip L. Webb, doing business as Webb's Delivery Service, seeks an order of the Commission authorizing him to sell and transfer his certificate of public convenience and necessity and certain related assets to Webb Delivery Service, Inc., and authorizing the latter, in acquiring said assets, to assume liabilities and to issue 190 shares of its \$100 par value common stock.

By Decision No. 54320, dated December 27, 1956, in Application No. 36387, the Commission granted a certificate of public convenience and necessity to Phillip L. Webb authorizing him to operate as a highway common carrier in portions of the Counties of Los Angeles and Orange. In addition, he performs permitted carrier operations subject to the jurisdiction of this Commission and also operates under the jurisdiction of the Interstate Commerce Commission. For the year 1968, the carrier reports total operating revenues and net income of \$169,612 and \$41,006, respectively.

Webb Delivery Service, Inc. is a California corporation organized on or about December 2, 1966. In exchange for \$19,000 aggregate par value of its common stock, the corporation proposes to acquire the assets, subject to liabilities, of Phillip L. Webb, doing business as Webb's Delivery Service, excluding land and structures together with any liabilities related thereto. According to the application, the parking lot and office building will be available to the corporation for a reasonable monthly rental.

A pro forma balance sheet as of December 31, 1968, giving effect to the proposed transactions, is summarized from Exhibit No. 2, attached to the application, as follows:

Assets

Current assets	\$ 7,287
Intangible property	330
Carrier property less reserve for depreciation	38,962
Deferred debits	<u>4,802</u>
Total	<u>\$51,381</u>

Liabilities

Current liabilities	\$19,041
Equipment obligations	13,340
Common stock	<u>19,000</u>
Total	<u>\$51,381</u>

After consideration the Commission finds that: (1) the proposed transfer would 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 purpose specified herein; and (3) such purpose is 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 properties to be transferred. So far as the rights are concerned the authorization herein granted is for the transfer of the intrastate highway common carrier certificate of public convenience and necessity only. Any transfer of permitted operative rights must be the subject of a separate application or applications.

O R D E R

IT IS ORDERED that:

1. On or after the date hereof and on or before December 31, 1969, Phillip L. Webb may sell and transfer, and Webb Delivery Service, Inc. may purchase and acquire, the intrastate highway common carrier certificate of public convenience and necessity and related assets referred to in the application.
2. Webb Delivery Service, Inc., on or after the date hereof and on or before December 31, 1969, for the purpose specified in this proceeding, may assume the liabilities referred to in the application, and may issue, at par, not exceeding 190 shares of its \$100 par value common stock.
3. Webb Delivery Service, Inc. 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, Webb Delivery Service, Inc. 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. Webb Delivery Service, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the 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 ten days after the date of this order on not less than ten 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. Failure to comply with and observe the provisions of General Order No. 80-A may result in a cancellation of the operating authority acquired pursuant to this decision.

6. On or before the end of the third month after the consummation of the transfer as herein authorized, Webb Delivery Service, Inc. 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 transferor for the period commencing with the first day of the current year to and including the effective date of the transfer.

7. Within thirty days after the date hereof, Webb Delivery Service, Inc. shall file a written acceptance of the certificate, the transfer of which is herein authorized. Webb

Delivery Service, Inc. is placed on notice that, if it accepts such certificate, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-E.

8. Webb Delivery Service, Inc. shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission, and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 8th day of APRIL, 1969.

William G. Brown
President

Augustus

Richard M. Moussey

William L.

Robert
Commissioners