Decision No. 78660

BEFORE THE FUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MARINE TRUCKING CORPORATION, a California corporation, for authority to transfer operating rights to GUERIN DRAYAGE CO., INC., a California corporation.

Application No. 52529 (Filed April 2, 1971)

ORIGIN

<u>OPINION</u>

Marine Trucking Corporation requests authority to sell and transfer, and Guerin Drayage Co., Inc. requests authority to purchase and acquire, a certificate of public convenience and necessity.

The certificate was granted by Decision No. 51313, dated April 12, 1955, in Application No. 36786 and authorizes operations as a highway common carrier for the transportation of general commodities, with certain exceptions, within the San Francisco-East Bay Cartage Zone. The sale also includes the transfer of corresponding interstate authority. The agreed cash consideration is \$7,000.

Applicant purchaser is presently operating in the San Francisco area as a permitted carrier and as of December 31, 1970, indicated a net worth in the amount of \$13,231.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

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<u>O R D E R</u>

IT IS ORDERED that:

1. On or before December 1, 1971, Marine Trucking Corporation may sell and transfer, and Guerin Drayage Co., Inc. may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, purchaser 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. Purchaser 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 five days after the effective date of this order on not less than five 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 granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, purchaser shall

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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. Within thirty days after the transfer herein authorized is consummated, purchaser shall file a written acceptance of the certificate. Purchaser 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-F.

6. Purchaser 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.

7. Purchaser shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to

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transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

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

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