

Decision No. 80982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of

A.) J & J WEBSTER, INC., a corporation to acquire control over WEBSTER DELIVERY SERVICE, INC., a corporation operating as a public utility, pursuant to Section 854 of the California Public Utilities Code

B.) J & J WEBSTER, INC., a corporation for authority to issue shares of its common stock pursuant to Sections 816-830 of the Public Utilities Code

Application No. 53767
(Filed December 22, 1972)

O P I N I O N

J & J Webster, Inc. seeks authority to issue 200 shares of its \$10 par value common stock in exchange for the 200 outstanding shares of \$10 par value common stock of Webster Delivery Service, Inc., and the former seeks authority to take corporate control of the latter.

Applicant is a California corporation incorporated on December 13, 1972 for the primary purpose of engaging in the specific business of buying, selling and leasing trucks.

Webster Delivery Service, Inc. is a California corporation operating as a highway common carrier under the certificate of public convenience and necessity acquired pursuant to authority granted by Decision No. 64845, dated January 29, 1963, as modified,

in Application No. 45023. In addition, the carrier operates under permits issued by this Commission and also operates under the jurisdiction of the Interstate Commerce Commission.

After consideration the Commission finds that: (1) J & J Webster, Inc. does not propose to operate as a public utility, and (2) control of Webster Delivery Service, Inc. by J & J Webster, Inc. would not be adverse to the public interest. A public hearing is not necessary.

On the basis of the foregoing findings we conclude that, insofar as it seeks authority for J & J Webster, Inc. to issue stock, the application should be dismissed for lack of jurisdiction and, insofar as it seeks authority for such corporation to control Webster Delivery Service, Inc., the application should be granted. The action taken herein shall not be construed as a finding of value of the stock of Webster Delivery Service, Inc.

O R D E R

IT IS ORDERED that:

1. J & J Webster, Inc. may control Webster Delivery Service, Inc.
2. Whenever Webster Delivery Service, Inc. engages other carriers for the transportation of property of J & J Webster, Inc. and/or Webster Delivery Service, Inc., or customers or suppliers of said corporations, Webster Delivery Service, Inc. shall not pay such other carriers rates and charges less than the rates and charges published in Webster Delivery Service, Inc.'s tariffs on file with this Commission.

3. Insofar as it seeks authority for J & J Webster, Inc. to issue stock, Application No. 53767 is hereby dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of JANUARY, 1973.

Samuel L. Steyer
President
[Signature]
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Commissioners

Commissioner William Syrens, Jr., being necessarily absent, did not participate in the disposition of this proceeding.