

Decision No. 81148

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ROCK TRANSPORT, INC., a California )  
corporation, to sell and transfer a )  
certificate of public convenience ) Application No. 52668  
and necessity authorizing the trans- )  
portation of cement to F. L. MARTIN )  
dba F. L. MARTIN TRUCKING. )

THIRD SUPPLEMENTAL OPINION AND ORDER

Rock Transport, Inc. holds authority from this Commission as a cement carrier. It was permitted to suspend such operations by Decision No. 79130, dated September 8, 1971, and an extension of the suspension period was granted by Decision No. 79996, dated May 2, 1972. This voluntary suspension period expired December 21, 1972.

There has recently been filed with this Commission a copy of the carrier's petition, filed with the Clerk of the United States District Court for the Eastern District of California, to be declared a bankrupt. Rock Transport, Inc. was adjudicated a bankrupt April 12, 1972. The operating authority is listed as an asset of the bankruptcy estate and A. E. Miller has been appointed Trustee in Bankruptcy.

A letter received from the attorney for the Trustee in Bankruptcy relates his intention to sell the operating authorities of the bankrupt and request that action to revoke the authorities be deferred.

The tariff filings of Rock Transport, Inc., filed with the Commission have been withdrawn.

Therefore good cause appearing, the Commission finds that the authority granted to Rock Transport, Inc. as a cement carrier should be suspended and that such suspension would not be adverse to the public interest. Additionally, the authority should be amended to reflect the trusteeship. A public hearing is not necessary.

IT IS ORDERED that:

1. The authority granted to Rock Transport, Inc., to conduct operations as a cement carrier by Decision No. 78996, dated August 10, 1971, in Application No. 52668, as amended by Decision No. 79461, dated December 14, 1971, in Application No. 52938 and Decision No. 79574, dated January 11, 1972, in Application No. 52940 is hereby further suspended.

2. Decision No. 78996, supra, is hereby further amended by substituting the name A. E. Miller, Trustee in Bankruptcy for Rock Transport, Inc., in place and stead of Rock Transport, Inc., in Ordering Paragraph 4, thereof.

3. The operating authority shall continue in suspension until the Trustee in Bankruptcy appointed by the court to administer the estate is discharged from his appointment, or until the operating authority is transferred by order of the Commission.


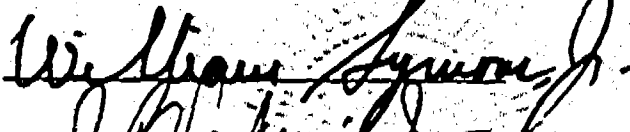
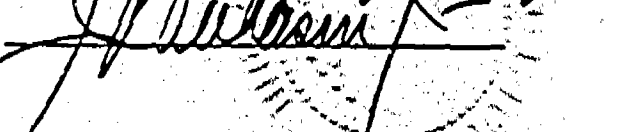

4. Should the Trustee be discharged from his appointment and application to transfer not be received by this Commission, proceedings will commence to revoke the operating authority.

The Secretary is directed to cause service of this order to be made by certified mail upon Rock Transport, Inc., and Thomas McCampbell, attorney for A. E. Miller, Trustee in Bankruptcy for Rock Transport, Inc.

The effective date of this order is the date hereof.

Dated at San Francisco, California this 13th day of March, 1973.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

  
President  
  
  
  
Commissioners