

ORIGINAL

Decision No. 85960

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of JOHN P. FRENCH, an individual,)	
for authority pursuant to Section)	Application No. 56410
854 of the California Public)	(Filed April 15, 1976)
Utilities Code to acquire control)	
of J-M CEMENT CARRIERS, INC.)	

O P I N I O N

John P. French seeks authority to control J-M Cement Carriers, Inc., a California corporation, by acquisition of all of the corporation's issued and outstanding \$100 per share par value capital stock. The stock will be transferred from a father to his son for a total consideration of \$5,000.

J-M Cement Carriers, Inc., holds a certificate of public convenience and necessity authorizing operations as a cement carrier granted by Decision 74059, dated April 30, 1968, in Application 50144, as amended by Decision 75415, dated March 11, 1969, in Application 50144. The corporation also holds highway carrier permits issued by this Commission.

The corporation's financial statement show net income for the period ended December 31, 1975 of \$14,001.56.

John P. French has served for many years as an employee of J-M Cement Carriers, Inc., and has been its President since September 30, 1975.

The applicants also indicate by letter of March 16, 1976, that the alter ego restriction set forth in the certificate is no longer appropriate and should be removed. Assertedly, the carrier corporation is no longer affiliated with E. W. French & Sons, Inc.,

or any other entity and the carrier is not engaged in any business other than for-hire transportation.

Applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. A copy of the application has been sent to the California Trucking Association and to various other parties and notice of the filing of the application was made in the Commission Daily Calendar of April 19, 1976. No protests to the application have been received.

After consideration, the Commission finds that control of J-M Cement Carriers, Inc., by John P. French would not be adverse to the public interest.

The Commission concludes that the acquisition of control of J-M Cement Carriers, Inc., as requested in the application, should be authorized and that the alter-ego restriction should be removed from the certificate. A public hearing is not necessary. The action taken herein shall not be construed as a finding of value of the capital stock of J-M Cement Carriers, Inc.

The Commission further concludes that the effective date of this order should be the date on which it is signed because there is no known opposition, and no reason to delay the order.

O R D E R

IT IS ORDERED that:

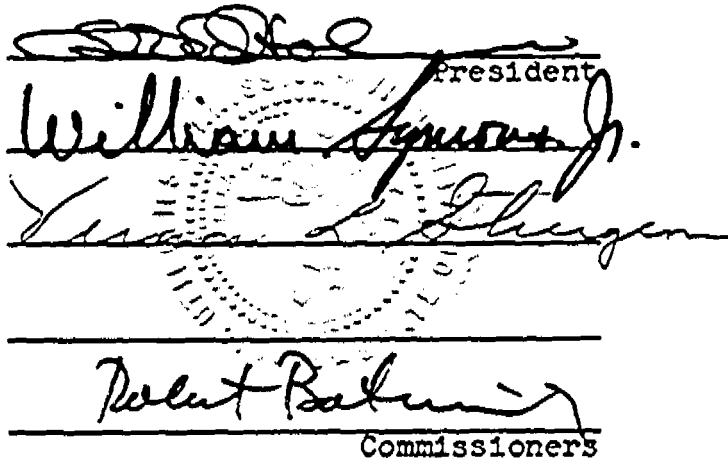
1. John P. French may control J-M Cement Carriers, Inc., a California corporation.
2. Within ninety days after the date hereof, John P. French and J-M Cement Carriers, Inc., shall file reports informing the Commission whether or not the control authorized has been completed.

3. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested.

4. Appendix A of Decision 74059 in Application 50144 is hereby further amended by incorporating therein Second Revised Page 1 attached hereto and by this reference made a part hereof in place of First Revised Page 1.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th day of June, 1976.



President
William J. Anderson Jr.

Vernon L. Ebergen

Robert B. Berman

Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A
(D. 74059)

J-M CEMENT CARRIERS, INC.
(a California corporation)

Second Revised Page 1
Cancels
First Revised Page 1

J-M Cement Carriers, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a cement carrier as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to all points and places within the following counties:

Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Merced, Napa, Orange, Riverside, San Bernardino, San Diego, San Francisco, San Joaquin, Santa Barbara, Sonoma and Ventura.

RESTRICTION:

This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Amended by Decision 85960, Application 56410.