

82 02 026

FEB - 4 1982

ORIGINAL

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Mercury Express, Inc., a)
Corporation, and Saturn Express,)
a partnership, to transfer a)
Common Carrier Certificate Cal)
T-126,588 GC-1474 (and certain)
property pursuant to Sections 851,)
et seq., of the California Public)
Utilities Code).)

Application 60240
(Filed February 4, 1981)

O P I N I O N

Joseph Christopher Coyle and Joseph Charles Coyle
(Sellers), copartners doing business as Saturn Express, seek
authority to sell and transfer their certificate of public con-
venience and necessity to Mercury Express, Inc. (Purchaser), a
California corporation.

The highway common carrier certificate was issued under
Public Utilities (PU) Code Section 1063.5 in Application GC 1474,
and authorizes the statewide transportation of general commodities,
with the usual exclusions. Under PU Code Section 1064.5, during
the first five years after issuance, this type of certificate

may only be transferred to the extent of lawfully performed actual transportation operations. Sellers have certified to operations under the certificate in the Counties of:

Alameda	Mariposa	San Luis Obispo
Alpine	Merced	San Mateo
Amador	Mono	Santa Barbara
Calaveras	Monterey	Santa Clara
Colusa	Napa	Santa Cruz
Contra Costa	Nevada	Sierra
El Dorado	Orange	Solano
Fresno	Placer	Sonoma
Imperial	Riverside	Stanislaus
Inyo	Sacramento	Sutter
Kern	San Benito	Tulare
Kings	San Bernardino	Tuolumne
Los Angeles	San Diego	Ventura
Madera	San Francisco	Yuba
Marin	San Joaquin	

Sellers request that the portion of the certificate not transferred be revoked.

Sellers also held a highway contract carrier permit under File T-126,588, which was transferred to Purchaser by separate application.

Thomas Harold, president of Purchaser, originally held the authority and business to be transferred by this application. Due to a serious illness of Joseph Christopher Coyle and a severe injury to his son and partner, Joseph Charles Coyle, Sellers have asked Mr. Harold to take the business back. The agreed purchase price is \$820, of which \$200 shall be allocated to the operating rights and \$620 for goodwill.

Mr. Harold had previously been in the trucking business for four years. He attached, as part of the application, Purchaser's balance sheet dated December 15, 1980, showing a net worth of \$50,000. As Purchaser is a new corporation, there is no income statement.

A copy of the application has been furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of February 9, 1981. No protests have been received.

Findings of Fact

1. Purchaser has the experience and financial ability to perform and maintain the proposed operation.
2. A public hearing is not necessary.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

The proposed transfer is not adverse to the public interest and should be authorized.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Joseph Christopher Coyle and Joseph Charles Coyle, a partnership, may sell and transfer the operative rights specified in the application to Mercury Express, Inc., a California corporation. This authority shall expire if not exercised by May 1, 1982, or within such additional time as the Commission may authorize.

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificate and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend, adopt, or reissue Sellers' tariffs. The tariffs shall not be effective before the date of transfer, nor before 5 days' notice is given to the Commission.
- c. Comply with General Orders Series 80, 100, and 104, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.

3. If the transfer is completed, on the effective date of the tariffs a certificate of public convenience and necessity is granted to Mercury Express, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in PU Code Section 213, within and between the points listed in Appendix A.

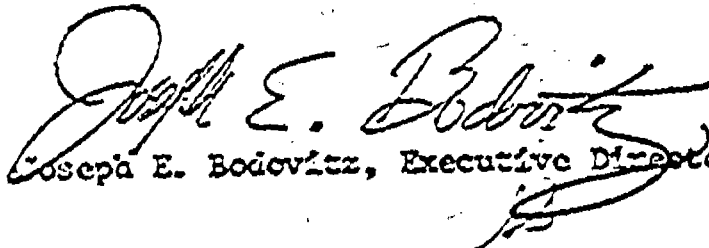
4. The certificate of public convenience and necessity granted in Application GC 1474 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated FEB 4 1982, at San Francisco, California.

JOHN E. ERYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

Appendix A

Mercury Express, Inc.
(A California corporation)

Original Page 1

Mercury Express, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Public Utilities Code Section 213 for the transportation of general commodities as follows:

Within and between all points in the Counties of:

Alameda	Mariposa	San Luis Obispo
Alpine	Merced	San Mateo
Amador	Mono	Santa Barbara
Calaveras	Monterey	Santa Clara
Colusa	Napa	Santa Cruz
Contra Costa	Nevada	Sierra
El Dorado	Orange	Solano
Fresno	Placer	Sonoma
Imperial	Riverside	Stanislaus
Inyo	Sacramento	Sutter
Kern	San Benito	Tulare
Kings	San Bernardino	Tuolumne
Los Angeles	San Diego	Ventura
Madera	San Francisco	Yuba
Marin	San Joaquin	

Transferred from Certificate GC 1474, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

Decision 82 02 026, Application 60240.

Appendix A

Mercury Express, Inc.
(A California corporation)

Original Page 2

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods and personal effects, office, store, and institution furniture and fixtures.
2. Ordinary livestock.
3. Petroleum or petroleum products in tank trucks or tank trailers.
4. Mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.
5. Portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages, when loaded substantially to capacity.

In performing the service authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service.

(END OF APPENDIX A)

Transferred from Certificate GC 1474, issued under PU Code Section 1063.5 on April 30, 1980.

Issued by California Public Utilities Commission.

Decision 82 02 026 Application 60240.