

Decision S2 03 042

MAR 2 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Edwin C. McManus,  
dba Sun Trucking, to transfer his  
Highway Common Carrier Certificate  
and Bante Inc., a California  
Corporation, to acquire said  
Certificate.  
(Public Utilities Code 851 and  
1064.5.)

Application 82-01-08  
(Filed January 6, 1982)

O P I N I O N

Edwin C. McManus, an individual, requests authority to transfer his intrastate highway common carrier certificate issued under Public Utilities (PU) Code § 1063.5 in Application GC 2775 (File T-117516) to Bante Inc. (Bante), a California corporation.

Bante was formed in August 1981 and is majority owned by McManus.

Bante has total assets of \$47,550 as of December 11, 1981. Net worth as of the same date is reported to be \$28,022.

Applicant Bante states:

1. It is adequately financed and has the experience, staff, and equipment to conduct the common carrier activities being transferred.
2. The transfer will have no adverse effect on other carriers nor upon the shipping public.
3. The transfer will have no significant effect upon the quality of the human environment.
4. The transfer will not have significant effect on the energy efficiency of highway carriers.

Resolution 18049 adopted by the Commission on July 31, 1979 permits transfer of a certificate obtained under PU Code § 1063.5 when the transfer will not result in a change in the majority beneficial interest in the certificate. Such is the case in this application.

Notice of filing of this application appeared in the Commission's Daily Calendar of January 8, 1982. No protests have been received.

Findings of Fact

1. McManus is the sole owner of the proprietorship and majority stockholder of the corporation. No change in majority beneficial interest will take place.

2. The corporation has the resources, experience, and equipment to conduct the authorized common carrier operations being transferred.

3. The transfer will have no adverse effect on other carriers or the shipping public.

4. The transfer has no reasonably foreseeable effect on 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. On or before July 1, 1982 Edwin C. McManus may transfer to Bante Inc., a California corporation, the operating authority issued under PU Code § 1063.5 in Application GC 2775.

2. Within 30 days after the transfer Bante Inc. shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.

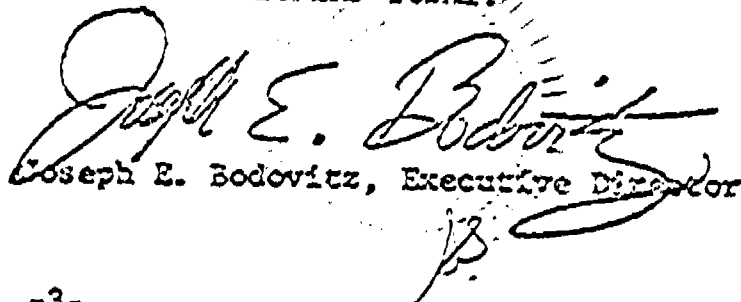
3. Bante Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established as its own, the rates and rules. The tariff filings shall be made effective not earlier than 5 days after the effective date of this order on not less than 5 days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. The tariff filings made under 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 Series 80 or 147. Failure to comply with the provisions of General Order Series 80 or 147 may result in cancellation of the operating authority granted by this decision.

This order becomes effective 30 days from today.

Dated MAR 2 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. CRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director