

Decision 82 03 000 MAR 16 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JESSE L. KELLEY for authority)
to control K. K. Jr. Enterprises,)
Inc.)

Application 61010
(Filed October 26, 1981)

O P I N I O N

Jesse L. Kelley seeks authority under Public Utilities (PU) Code §§ 854 and 3551 to control K. K. Jr. Enterprises, Inc. (KK), a California corporation. KK is a highway common carrier holding a certificate of public convenience and necessity acquired under PU Code § 1063.5 (GC 8756). It also holds a highway contract carrier permit.

Kelley has purchased all of the stock in KK without being authorized to do so by the Commission. Our records indicate that the corporation was previously controlled by James D. Stavert. Unless we retroactively authorize the transaction, it is void as a matter of law under PU Code § 854.

A copy of the application was served on California Trucking Association. Notice of the filing appeared in the Commission's Daily Calendar of October 28, 1981. No protests have been filed. Kelley requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application.

Findings of Fact

1. A public hearing is not necessary.
2. The proposed change of control is not adverse to the public interest.
3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. The application, including Kelley's request for relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure, should be granted.
2. PU Code § 1064.5 is not applicable to this transaction.
3. The action taken shall not be construed as a finding of value of the capital stock of KK.

O R D E R

IT IS ORDERED that:

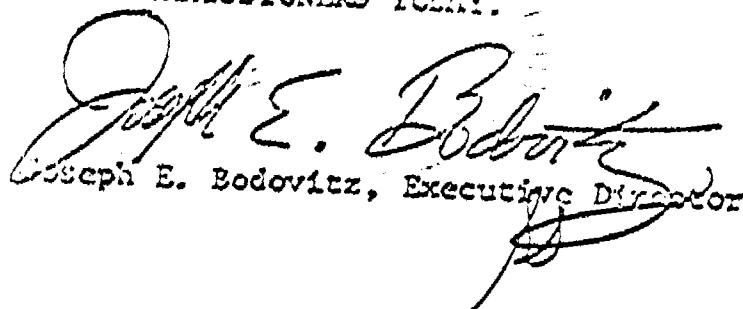
1. Jesse L. Kelley is authorized to acquire control of K. K. Jr. Enterprises, Inc., a California corporation.
2. Jesse L. Kelley's request for relief from the provisions of Rule 21(f) of the Commission's Rules of Practice and Procedure is granted.

This order becomes effective 30 days from today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR LAI VO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director