

Decision 82 03 031 AUG 4 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 RENTRUX, INC. for authority to merge )  
 with and into BETTER HOME DELIVERIES, )  
 INC. and to transfer its operating )  
 rights to BETTER HOME DELIVERIES, )  
 INC. through the merger transaction; )  
 of BETTER HOME DELIVERIES, INC. for )  
 authority to acquire the operating )  
 rights of RENTRUX, INC. through the )  
 merger transaction; and of LEASEWAY )  
 TRANSPORTATION CORP. for authority )  
 to continue in control of the rights )  
 of RENTRUX, INC. through the merger )  
 transaction, pursuant to Sections )  
 851-853 of the California Public )  
 Utilities Code. )

Application 82-03-100  
(Filed March 26, 1982)



O P I N I O N

Rentrux, Inc. (Rentrux) is a California corporation and has a certified copy of its articles of incorporation on file with this Commission. Rentrux holds a certificate as a highway common carrier issued under Public Utilities (PU) Code § 1063.5 in Application GC-5891 and also operates as a highway contract carrier under a permit issued in File T-121,294. An application to transfer its highway contract carrier permit to Better Home Deliveries, Inc. (Better Home) was filed with this Commission on or about February 16, 1982, and the permit was transferred on April 8, 1982.

In addition to acquiring the highway contract carrier permit, Better Home operates as a motor common carrier under Interstate Commerce Commission Lead Docket No. MC-150511 and the sub-numbered proceedings. It is an Ohio corporation authorized to do business in California and its articles of incorporation are on file.

Leaseway Transportation Corp. (Leaseway) is an Ohio corporation authorized to do business in California. Certified copies of its articles of incorporation and California Certificate of Qualification have previously been filed with the Commission.

Leaseway is a noncarrier holding company, which has no operating rights of its own. Leaseway controls both Rentrux and Better Home through 100% stock ownership. Leaseway also controls, either directly or indirectly, about twenty other corporations. It is one of the nation's oldest and largest transportation holding companies. Leaseway is now in the process of merging and consolidating many of the operating companies into logical profit centers. It is alleged that a grant of this application will enable Leaseway to operate more efficiently by consolidating the common carrier operations of the subsidiary corporations.

There will be no change in the service provided for the public. All employees will be retained and there will be no competitive effect since one carrier is being substituted for another under the same set of operating rights. Financial statements for Rentrux and Better Home are attached to the application. It is evident that the parties are financially capable of consummating the transaction on the terms proposed.

Applicants request waiver of Rule 37 of the Rules of Practice and Procedure, with respect to service, under the provisions of Rule 87. A copy of the application was served on the California Trucking Association and has been published in the trucking magazine CALTRUX, which should constitute sufficient notice to all interested parties. There are no protests or requests for hearing. The proposed transfer meets the terms and conditions set forth in Resolution 18049 for continuity transfers and therefore is not subject to the limitation imposed by PU Code § 1064.5.

Findings of Fact

1. The transfer of operating authority will be beneficial to the applicants and the public.
2. There is no change in control, although the operating authority will be held by a different corporation after the merger.
3. The transfer and merger will not be adverse to the public interest.

Conclusions of Law

1. The application should be granted.
2. Applicants' request for a waiver of Rule 37 should be granted.

3. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Rentrux, Inc. is authorized to merge with and into Better Home Deliveries, Inc. and to transfer all of its operating rights to Better Home Deliveries, Inc. through the merger transaction.

2. Better Home Deliveries, Inc. is authorized to acquire the operating rights of Rentrux, Inc. through the merger transaction.

3. Leaseway Transportation Corp. is authorized to continue in control of the operating rights transferred to Better Home Deliveries, Inc. from Rentrux, Inc. through the merger transaction.

4. Applicants are granted a waiver from Rule 37(a) of the Commission's Rules of Practice and Procedure.

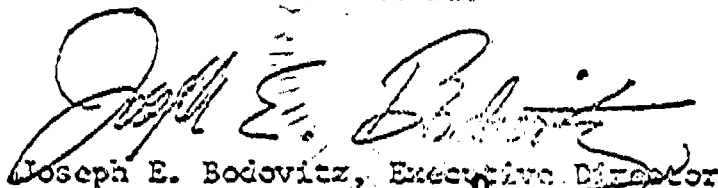
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
COMMISSIONERS

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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

  
Joseph E. Bodovitz, Executive Director