

Decision 83 01 061 JAN 19 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GARY D. KILGORE, an individual,)
doing business as G & J Freight,)
for authority to purchase the High-)
way Common Carrier Certificates of)
Public Convenience and Necessity of)
G & J Freight, Inc., a California)
corporation to transfer the said)
certificates to Gary D. Kilgore, an)
individual, doing business as G & J)
Freight, pursuant to Sections 851-)
853 of the California Public)
Utilities Code.)

Application 60878
(Filed September 3, 1981;
amended March 29, 1982; and
petition for modification
filed December 2, 1982)

ORDER MODIFYING DECISION 82-11-082

Gary D. Kilgore, an individual, doing business as G & J Freight, requests modification of Decision (D.) 82-11-082 dated November 17, 1982 in Application (A.) 60878, in that a fee in that matter is not required under Resolution 18161. Also, by letter dated December 20, 1982 G & J Freight's attorney requests an extension of time within which to exercise the authority granted in D.82-11-082.

Resolution 18161 which became effective October 8, 1982 was added as subsection (g) to Rule 33 of the Commission's Rules of Practice and Procedure. The effect of this new rule is to exempt from the requirements of Public Utilities (PU) Code Sections 816 through 830 any highway common carrier or cement carrier whose

annual revenue, in the calendar year preceding the year in which any security transactions described in those sections is to be consummated, is less than \$5,000,000.

This carrier's annual report for December 31, 1980 shows Operating Revenue of \$1,484,632, and therefore clearly falls within the scope of the exemption allowed by Resolution 18161.

Gary D. Kilgore, doing business as G & J Freight, by this finding is exempted from the operation of PU Code Sections 816 through 830.

Good cause appearing,

IT IS ORDERED that:

1. Ordering Paragraph 1 of D.82-11-082 dated November 17, 1982 is changed to read as follows:

1. G & J Freight, Inc., a California corporation, may sell and transfer the operative rights and property specified in the application to Gary D. Kilgore, an individual. This authority shall expire if not exercised by February 28, 1983 or within such additional time as the Commission may authorize.

2. The following Ordering Paragraph 5 of D.82-11-082 is deleted in its entirety:

"5. On or after the effective date of this order, but before December 31, 1982, for the purpose of specified, Purchaser may issue evidences of indebtedness in a total principal amount not exceeding \$1,050,000. Those documents shall be substantially the same as those attached to the application. Purchaser shall file the reports required by General Order Series 24."

3. The first sentence in the penultimate ordering paragraph of D.82-11-082, which reads as follows is deleted:

"The authority granted by this order to issue an evidence of indebtedness will become effective when the issuer pays \$2,100, set by PU Code Section 1904(b)."

4. The last sentence in the penultimate ordering paragraph of D.82-11-082 is changed to read as follows:

"This order becomes effective 30 days from today."

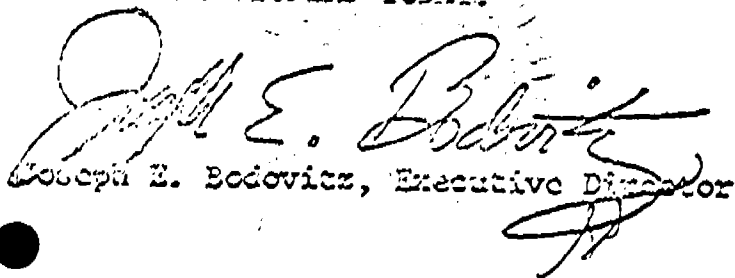
This order is effective today.

Dated JAN 19 1983, at San Francisco, California.

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

LEONARD M. GRIMES, JR.
President
PRISCILLA C. GREW
DONALD VIAL
Commissioners

Commissioner Victor Calvo,
being necessarily absent, did
not participate


Joseph E. Bodovitz, Executive Director

ORIGINAL

Decision 83 01 061 JAN 19 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GARY D. KILGORE, an individual,)
doing business as G & J Freight,)
for authority to purchase the High-)
way Common Carrier Certificates of)
Public Convenience and Necessity of)
G & J Freight, Inc., a California)
corporation to transfer the said)
certificates to Gary D. Kilgore, an)
individual, doing business as G & J)
Freight, pursuant to Sections 851-)
853 of the California Public)
Utilities Code.)

Application 60878
(Filed September 3, 1981;
amended March 29, 1982; and
petition for modification
filed December 2, 1982)

ORDER MODIFYING DECISION 82-11-082

Gary D. Kilgore, an individual, doing business as G & J Freight, requests modification of Decision (D.) 82-11-082 dated November ¹⁷~~14~~, 1982 in Application (A.) 60878, in that a fee in that matter is not required under Resolution 18161. Also, by letter dated December 20, 1982 G & J Freight's attorney requests an extension of time within which to exercise the authority granted in D.82-11-082.

Resolution 18161 which became effective October 8, 1982 was added as subsection (g) to Rule 33 of the Commission's Rules of Practice and Procedure. The effect of this new rule is to exempt from the requirements of Public Utilities (PU) Code Sections 816 through 830 any highway common carrier or cement carrier whose