

ORIGINAL

Decision No. 88443 JAN 31 1978

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of MARINO FREIGHT LINES, INC., a )  
 corporation, for authority to (a) )  
 acquire a Certificate of Public )  
 Convenience and Necessity, and )  
 ACTIVE TRANSPORT, INC., a )  
 corporation, for authority to )  
 transfer, pursuant to Sections )  
 851 to 854 of the Public )  
 Utilities Code, (b) issue stock, )  
 (c) assume a Note, and (d) issue )  
 a Promissory Note and execute )  
 and deliver a Security Agreement, )  
 all pursuant to Section 816 to )  
 830 of the Public Utilities Code. )

Application No. 57206  
 (Filed April 7, 1977)

SUPPLEMENTAL OPINION AND ORDER

Decision 87952, dated October 4, 1977, in this proceeding, authorized the sale of certain operating rights as a highway common carrier to Marino Freight Lines, Inc. (purchaser). Purchaser also sought to issue 7,500 shares of common capital stock, without par value, to its president for a total consideration of \$150,000 in cash and other assets as set forth in Exhibit D of the application.

It has been brought to the attention of the Commission's staff that specific authorization for such stock issuance was inadvertantly omitted from the order in Decision 87952.

In the circumstances, it appears that the necessary correction should be made by the order herein and that the order in Decision 87952 should be amended accordingly. The effective date of this order should be the date on which it is signed since there is no known opposition and no reason to delay correcting the discrepancy.

IT IS ORDERED that Decision 87952 be amended by adding the following paragraph to the Order as Ordering Paragraph 10:

"Marino Freight Lines, Inc. on or after the effective date hereof and on or before April 1, 1978, for the

purpose specified in this proceeding, may issue not to exceed a total of 7,500 shares of no par value capital stock to its president, Lawrence M. Marino, for a total consideration of \$150,000 in cash and other assets as set forth in Exhibit D of the application."

Ordering Paragraphs 10, 11 and 12 in Decision 87952 are hereby renumbered as Ordering Paragraphs 11, 12 and 13, respectively. In all other respects, Decision 87952 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Diego, California, this 31st  
day of JANUARY, 1978.

Robert Bateman  
President  
William J. Brown  
Richard D. Gault  
Clare T. Doherty  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.