

SEG/FS *

JAN 30 1979

Decision No. 89936

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of THOMAS F. MCGANN and KATHLEEN)
M. MCGANN for authority to con-)
trol CHICHESTER TRANSPORTATION)
CO., INC.)

Application No. 58441
(Filed October 30, 1978)

O P I N I O N

By this application, Thomas F. McGann and Kathleen M. McGann, husband and wife and co-partners, doing business as T&K Expressways & Moving Company (applicants) seek authority under Sections 854 and 3551 of the Public Utilities Code to control Chichester Transportation Co., Inc., a California corporation (Chichester). The corporation currently operates under the following authorities granted to it by this Commission:

1. A certificate of public convenience and necessity to operate as a highway common carrier granted to the corporation pursuant to Decision 50999 dated January 18, 1955 in Application 35197 and amended by Decision 74082 dated May 7, 1968 in that proceeding. The certificate authorizes the transportation of general commodities, with limited exceptions, between all points in the San Francisco-East Bay Cartage Zone.

2. Chichester Transportation Co., Inc. also operates under radial highway common carrier and highway contract carrier permits issued to it under File T-14630.

Applicants request authority to control Chichester through the purchase of all of the outstanding stock amounting to 1,500 shares from Louis E. Dorick. According to the terms of the Agreement of Sale, filed as Exhibit A to the application, the selling price for said shares is \$60,000, of which \$18,000 will be paid in cash upon transfer of the stock. Payment of the remaining \$42,000 will be in the form of a promissory note bearing interest at the rate of nine percent per annum and payable in 48 equal monthly installments of \$1,045.17 each, beginning on the 15th day of the month following the transfer of the stock and secured by a pledge of said stock.

Applicants request a deviation from the provisions of the Commission's Rules of Practice and Procedure requiring wide dissemination of the application.

Notice of the filing of the application appeared in the Commission's Daily Calendar of October 31, 1978. No protests to the application have been received.

After consideration, the Commission finds that:

1. Control of Chichester Transportation Co., Inc. by Thomas F. McGann and Kathleen M. McGann, co-partners, would not be adverse to the public interest.
2. The applicants should be granted a deviation from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application.

The Commission concludes that the acquisition of control of Chichester Transportation Co., Inc., as requested in the application, should be authorized. A public hearing is not necessary. The action taken herein shall not be construed as a finding of value of the capital stock of Chichester Transportation Co., Inc.

O R D E R

IT IS ORDERED that:

1. Thomas F. McGann and Kathleen M. McGann, co-partners, doing business as T&K Expressways & Moving Company may control Chichester Transportation Co., Inc., a California corporation.
2. Within ninety days after the date hereof, Thomas F. McGann and Kathleen M. McGann, co-partners, shall file reports informing the Commission whether or not the control authorized herein has been completed.
3. Applicants are granted a deviation from the Commission's Rules of Practice and Procedure which require wide dissemination of the application.

A. 58441 - FS

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 30th day of JANUARY, 1979.

Robert W. Howell
President

Joseph L. Sturgeon

Clair T. DeBrial

Commissioners

Commissioner John E. Bryson

Present but not participating.

Commissioner Leonard M. Grimes, Jr.

Present but not participating.