

Decision No. 90397 JUN 5 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LOOMIS COURIER SERVICE, INC.,)
to sell, lease or otherwise dis-)
pose of all the California intra-)
state authority issued to it by)
the Public Utilities Commission)
of the State of California, and)
of GELCO COURIER SERVICES, INC.,)
for authority to purchase,)
acquire, lease or otherwise dis-)
pose of the same said authority)
of LOOMIS COURIER SERVICE, INC.,)
pursuant to Sections 851-854 or)
such other provisions of the)
Public Utilities Code as are)
applicable.)

Application No. 58669
Petition for Modification
of Decision No. 90168
(Filed April 18, 1979)

SUPPLEMENTAL OPINION AND ORDER AMENDING DECISION NO. 90168

By Decision 90168 dated April 10, 1979, Loomis Courier Service, Inc. was authorized to sell and transfer and Gelco Courier Services, Inc. was authorized to purchase and acquire certificated rights authorizing operations as an express corporation and a freight forwarder. Pending sale of the certificated authority, Gelco Courier Services, Inc. was authorized to conduct operations pursuant to a lease agreement.

Decision 90168 also revoked highway contract carrier permit, as issued to seller on December 24, 1970 and contained in File T-71,663.

By their petition filed April 18, 1979, the parties request that Decision 90168 be amended by deleting the ordering provision revoking the highway contract carrier permit because there is a possibility that the transfer may not be completed and in such event the parties should be restored to their original positions.

Petitioners also request that a radial highway common carrier permit, issued to seller, be cancelled in the event that an application filed by purchaser to convert its radial authority to a statewide certificate is granted; otherwise, that purchaser be substituted as applicant in seller's application filed pursuant to Section 1063.5 of the Public Utilities Code.

With respect to the radial permits and the conversion applications, it is suggested that the parties resolve the matter by subsequent filings to conform with Senate Bill 860, Decisions 89575, 89730 and 90157.

Inadvertently, Ordering Paragraph 3 of Decision 90168 referred to General Order 80-Series instead of General Order 117-Series governing the construction and filing of tariffs issued by air express companies and air freight forwarders.

Inadvertently, Ordering Paragraph 5 of Decision 90168 referred to a highway common carrier certificate and Section 213 of the Public Utilities Code instead of an express corporation and freight forwarder certificate and Sections 219 and 220 of the Public Utilities Code.

The effective date of this order should be the date of signature because the proposed lease of all operations, both interstate and intrastate should not be further delayed through inadvertence.

The application should be granted to the extent hereinafter set forth.

IT IS ORDERED that:

1. Ordering Paragraphs 3, 5 and 14 of Decision 90168 are amended to read as follows:

3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the operations transferred to show that it has adopted or established, as its own, the rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117-Series. Failure to comply with the provisions of General Order No. 117-Series may result in a cancellation of the operating authority granted by this decision."

"5. In the event the transfer authorized in paragraph 1 is completed, effective concurrent with the effective date of the tariff filings by paragraph 3, a certificate of public convenience and necessity is granted to Gelco Courier Services, Inc., a corporation, authorizing it to operate as an express corporation as defined in Section 219 of the Public Utilities Code and as a freight forwarder as defined in Section 220 of the Code as more particularly set forth in Appendix A of this decision."

"14. Concurrent with the execution of the sale and transfer authorized by ordering paragraph 1 hereof, the highway contract permit as issued to seller on December 24, 1970 and contained in File No. T-71,663, is revoked."

2. In all other respects, Decision 90168 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 5th day of JUNE, 1979.

John E. Guyon
President

Raymond L. Sturgeon

Richard P. Koval

Walter T. ...

...
Commissioners