

Decision No. 90956 OCT 23 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application }
of SUZANNE VIRGINA KING, doing }
business as ERNIE'S MOBILE HOME }
TRANSPORT to transfer a highway }
common carrier certificate to }
ERNIE'S MOBILE HOME TRANSPORT, }
INC., a corporation and for }
said corporation to issue }
stock and assume liabilities }

Application 59070
(Filed August 14, 1979)

O P I N I O N

Suzanne Virginia King, an individual (seller), doing business as Ernie's Mobile Home Transport requests authority to sell and transfer and Ernie's Mobile Home Transport, Inc., a California corporation (purchaser), requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier and to issue capital stock.

The certificate was granted by Decision 89645 dated November 9, 1978 in Application 58252. It authorizes the transportation of mobile homes, trailer coaches and campers, including integral parts and contents, between all points in the State of California. Seller also operates under a highway contract carrier permit issued under File T-111075, the transfer of which is the subject of a separate application.

Seller has operated as a sole proprietorship and chooses to incorporate the business in order to receive the benefit of certain tax and other advantages that a corporate organization allows.

Purchaser is authorized by its Articles of Incorporation to issue ten thousand (10,000) shares of no par value common stock of one class. It requests authority to issue and sell for the property of the Seller, having a net value of \$62,871.63, two thousand (2,000) shares of such stock and to assume certain liabilities as set forth in Exhibit C of the application.

Seller is a party to such Pacific Coast Tariff Bureau, Agent, tariff publications as are necessary to cover the operations of the certificate to be transferred. Purchaser will adopt these tariffs.

Applicants have requested a deviation from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application. Notice of the filing of the application appeared in the Commission's Daily Calendar of August 16, 1979. No protests to the application have been received.

After consideration the Commission finds that:

1. The proposed transfer of the certificate would not be adverse to the California public interest.
2. The proposed stock issue would be for a proper purpose.
3. The money, property or labor to be procured or paid for by the stock herein, authorized is reasonably required for the purposes specified herein, which purposes are not, in whole or in part reasonably chargeable to operating expenses or to income.
4. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.

The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Suzanne Virginia King, an individual, and the issuance of a certificate in appendix form to Ernie's Mobile Home Transport, Inc., a California corporation.

Purchaser is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money originally paid to the State as consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be cancelled at any time

by the State, which is not in any respect limited as to the number of rights which may be given. The authorization granted shall not be construed as a finding of value of the capital stock of Ernie's Mobile Home Transport, Inc., or the certificate and other assets authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Suzanne Virginia King, an individual, doing business as Ernie's Mobile Home Transport, may sell and transfer the operating rights and other assets referred to in the application to Ernie's Mobile Home Transport, Inc., a California corporation. This authorization shall expire if not exercised by December 31, 1979.
2. Within thirty days after the transfer, the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier 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 80-Series. Failure to comply with the provisions of General Order 80-Series may result in a cancellation of the operating authority granted by this decision.
4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Ernie's Mobile Home Transport,

Inc., a California corporation, authorizing it to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 89645 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules administered by the California Highway Patrol and the insurance requirements of the Commission's General Order 100-Series.

7. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each year, an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

8. Purchaser shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

9. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

10. Ernie's Mobile Home Transport, Inc., on or after the effective date hereof and on or before January 31, 1980, for the purposes specified in this proceeding, may issue not exceeding a total of 2,000 shares of its no par value capital stock at a total price of \$62,871.63 to Suzanne Virginia King, in consideration of cash and other assets referred to in the application.

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11. Ernie's Mobile Home Transport, Inc. shall file with the Commission the report required by General Order 24-B, which order insofar as applicable, is hereby made a part of this order.

12. The authority granted by this order to issue stock will become effective when Ernie's Mobile Home Transport, Inc., has paid the fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$126. In other respects the effective date of this order shall be thirty days after the date hereof.

Dated OCT 23 1979, at San Francisco, California.

President

Commissioner JOHN E. BRYSON

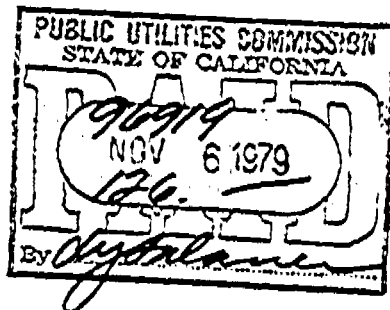
Present but not participating.

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

Richard D. Givale

Clarence J. Delgado

Samuel J. ...
Commissioners



Ernie's Mobile Home Transport, Inc., by the the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of mobile homes, trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or campers, as follows:

Between all points and places in the State of California over all available routes:

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 90956, Application 59070