

ORIGINAL

Decision No. 92200 SEP 3 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RICHARD JON ZIMMER, an)
Individual, for Authority)
Pursuant to Section 854 of the)
California Public Utilities Code)
to Acquire Control of KERNER)
TRUCKING SERVICE, INC.)

Application No. 59676
(Filed May 19, 1980)

O P I N I O N

Richard Jon Zimmer (purchaser) is a resident of the State of California and has applied herein to acquire control of Kerner Trucking Service Inc. (Kerner) through acquisition of all of the outstanding stock consisting of 250 \$100 par value shares to be purchased from Arthur Kerner and Mae Kerner, individuals (sellers), for \$74,720.

Kerner operates as a certificated highway common carrier under authority of Decision No. 89986 dated February 14, 1979 in Application No. 57796. Kerner also operates as a highway common carrier under a certificate of public convenience and necessity converted from a radial highway common carrier permit pursuant to Section 1063.5 of the Public Utilities Code, and also as a highway contract carrier as noted in Transportation File No. T-82029. Purchaser is experienced and is capable of managing Kerner's current operation.

Kerner was authorized to sell a portion of its highway common carrier certificate to T.I.M.E.-DC., Inc. by Decision No. 91340.

The transfer has not been made since authority has not yet been received from the Interstate Commerce Commission (Docket No. MC-F-14137). The transfer of stock to purchaser is subject to the prior sale of operating authority to T.I.M.E.-DC., Inc.

Purchaser has requested that relief be granted from the requirements of Rule 37 of the Commission's Rules of Practice and Procedure (which requires service of applications on all carriers with which the proposed service is likely to compete) and has based this request upon Rule 87 which provides for a deviation from the rules in order to "secure just, speedy and inexpensive determination of the issues presented". Purchaser alleges that a copy of the application was mailed to California Trucking Association in Burlingame, California, which provides notice of filing in California through its magazine "Cal Trux".

Findings of Fact

1. The proposed transaction would not be adverse to the public interest.
 2. The proposed transfer and sale of capital stock would be for a proper purpose.
 3. Purchaser should be relieved from the service requirement of Rule 37 of the Commission's Rules of Practice and Procedure.
 4. A public hearing is not necessary.
 5. Purchaser should be authorized to assume control of Kerner.
 6. The action taken herein shall not be construed as a finding of value of the capital stock of Kerner.
 7. Notice of the filing of the application appeared in the Daily Calendar of May 22, 1980. No protests have been received.
- On the basis of the findings, we conclude that the application should be granted.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1980 Arthur Kerner and Mae Kerner, individuals, may sell and transfer all of their common stock of Kerner Trucking Service, Inc. to Richard Jon Zimmer, according to the terms of the agreement attached to the application as Exhibit "B".

2. Richard Jon Zimmer may control Kerner Trucking Service, Inc.

3. Richard Jon Zimmer is relieved from the service provisions of Rule 37 of the Commission's Rules of Practice and Procedure as authorized by Rule 87.

4. Kerner Trucking Service, Inc. shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

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

Dated SFP 3-1980, at San Francisco, California.

Val E. Boyce
President
Thomas L. Stanger
Glenn R. Givelle
Clair J. Sedwick
Thomas W. Jensen
Commissioners