

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution 18239
Transportation Division

(RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND)
(COMMISSION RECORDS TO REFLECT THE ACQUISITION OR CONTROL)
(OF HIGHWAY CARRIERS OF PROPERTY, EXPRESS CORPORATIONS, AND)
(FREIGHT FORWARDERS, AND OTHER TRANSACTIONS APPROVED OR)
(EXEMPTED UNDER THE EXCLUSIVE AND PLENARY JURISDICTION OF)
(THE INTERSTATE COMMERCE COMMISSION)

Under 49 USC 11341, the Interstate Commerce Commission (ICC) has exclusive and plenary jurisdiction to approve and authorize the acquisition, control, consolidation, merger, and purchase or lease, of highway carriers and other entities subject to its jurisdiction and their property. Highway carriers and others which have obtained ICC approval or exemption under 49 USC 11341 and which are also subject to the jurisdiction of this Commission must file a copy of the ICC's decision with our Commission in order to allow our records to be changed to reflect the transaction.

Although the Commission has previously authorized the Executive Director to amend the permits of highway carriers (Resolution 18030, dated November 28, 1978), we have not authorized the Executive Director to amend the certificates of public convenience and necessity of highway common carriers, express corporations or freight forwarders. Consequently, each such transaction must be individually approved by the Commission. Since the ICC has exclusive and plenary jurisdiction over the transactions mentioned above, with the only function of this Commission being to amend our records accordingly, the Commission finds that the processing of requests to amend this agency's records to reflect such matters is a ministerial function which does not require the exercise of judgement by the Commission. The Commission concludes that such requests should be delegated to the Executive Director.

IT IS ORDERED that:

1. The Executive Director is hereby authorized to amend Commission records to reflect the acquisition, control, consolidation, merger, purchase, or lease, of highway carriers of property, express corporations, and freight forwarders and/or their property approved or exempted under the exclusive and plenary jurisdiction of the Interstate Commerce Commission.

2. Upon receiving a written notice of approval or exemption from the Interstate Commerce Commission, highway carriers of property, express corporations, and/or freight forwarders under this Commission's jurisdiction shall immediately mail a copy of the ICC's approval or exemption to our Transportation Division.

3. Requests submitted under authority of this Resolution which involve the sale, mortgage, lease, assignment, transfer, or which otherwise encumbers any operating authority issued by this Commission shall be accompanied by the appropriate application(s) and filing fee(s) required under the Public Utilities Code. In addition, applicants must meet all statutory requirements and comply with all other orders, rules and regulations of this Commission.

This order is effective today.

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on DEC 17 1986.
The following Commissioners voted favorably:

DONALD VIAL
President
VICTOR CALVO
FREDERICK R. DUDA
STANLEY W. HULETT
Commissioners



Executive Director