

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Following Applications)
for Consent to Transfer a Certificate of Public)
Convenience and Necessity.)

Findlay Truck Line, Inc. (Transferor))
Corrigan Moving Systems-Ann Arbor, Inc.) Case No. 97-294-TR-ATC
(Transferee))
Certificate Nos. 2101-I, 2935-I, and 11548-I.)

OPINION AND ORDER

The Commission, after reviewing this application to transfer authority, waives the issuance of an attorney examiner's report pursuant to Rule 4901-1-33, Ohio Administrative Code (O.A.C.), and issues this opinion and order.

OPINION:

The Commission, having fully reviewed this matter, is of the opinion that the requirements of Rule 4901-5-03, O.A.C., and Section 4921.13, Revised Code, have been met and that the application should be granted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) The application is in the proper form, notice has been given, and a hearing has been held as required by law.
- (2) No duplicative authority is being retained by transferor. Transferee presently holds no authority which is duplicative, in whole or in part, of the authority to be transferred.
- (3) Except as otherwise set forth in the applicable attachment to this order, the authority to be transferred is in good standing with the Commission and the transferor operations have been lawfully conducted.
- (4) The rates to be charged initially should produce sufficient revenue to enable the transferee to operate at a profit.
- (5) The documentation of traffic volume and revenues during the 12 months prior to the date of application, demonstrates a continuing use and need for the services authorized by the authority.

- (6) All taxes owed to the state of Ohio by the transferor have been paid or transferor has entered into agreements with the state of Ohio for the payment of such taxes.
- (7) The transferee possesses the necessary ability, experience, facilities, equipment and employees to provide a quality of service which is as good as, or better than, the service previously provided by the transferor.
- (8) The transferee is knowledgeable of the rules of this Commission and the laws of Ohio pertaining to motor carrier operations and has not operated in flagrant and willful disregard of those rules and laws in the past.
- (9) Transferee is a proper party to receive the authority which is the subject of this proceeding.
- (10) All parties to this proceeding who are corporations have submitted corporate resolutions authorizing the transfer of the authority.
- (11) Approval of the proposed transfer would be in the public interest.

ORDER:

It is, therefore,

ORDERED, That the application be granted. It is, further,

ORDERED, That transferee comply with the following requirements:

- (1) File evidence of insurance or bond which satisfies the provisions of Rule 4901:2-13, O.A.C.
- (2) Pay the PUCO motor vehicle tax on equipment to be operated.
- (3) File new concurrences, if any, and powers of attorney to replace and supersede those now filed by the transferor, as provided by Rule 4901:2-9-06, O.A.C.
- (4) File a notice of the adoption of tariffs, and tariff supplements, as provided by Rule 4901:2-9-06, O.A.C.

It is, further,

ORDERED, That, upon compliance by the applicants with the requirements of this order, the certificate shall be reissued in the name of the transferee. It is, further,

ORDERED, That the applicants comply with the requirements of this order within 60 days, or the application shall be subject to dismissal. It is, further,

ORDERED, That transferee shall not commence operations pursuant to the order until all requirements have been satisfied, and the operating authority issued. It is, further,

ORDERED, That a copy of this opinion and order and the applicable attachment be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

REM/vrh