

Docket No. _____ Sub _____

Filing Fee \$ _____

APPLICATION IN PROCEEDINGS UNDER G.S. 62-111 OF THE PUBLIC UTILITIES ACT TO SELL, ASSIGN, PLEDGE, TRANSFER, LEASE, MERGE, OR ACQUIRE CONTROL OF MOTOR CARRIER OPERATING AUTHORITY

NORTH CAROLINA UTILITIES COMMISSION
4325 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-4325

I. This is the application of _____
(full and correct name of transferee)

(state whether corporation, LLC, partnership, or individual)

doing business as _____

business address _____
(street or post office box) (city) (state) (zip)

Email address: _____

and _____
(full and correct name of transferor)

(state whether corporation, LLC, partnership, or individual)

doing business as _____

business address _____
(street or post office box) (city) (state) (zip)

Email address: _____

for authority to (please specify) sell and transfer (), assign (), pledge (), lease (), merge (), or acquire control by stock transfer (), or otherwise, the motor carrier operating authority contained in Certificate No. _____ or a portion of the operating authority contained therein being as follows:

II. Is transferor currently conducting operations under the operating authority herein sought to be transferred? _____ If no, state reasons for discontinuance, date operations last performed, and what disposition has been made of transferor's operating equipment. If operating, list below gross operating revenues and total number of miles traveled for the latest three months' period preceding the date of filing the application or for the latest three months' period preceding the date of authorized suspension, if granted by the Commission.

III. The total considerations involved in the proposed transaction is _____ and/ or _____ shares of _____ stock valued at \$_____.
 (name of company)

IV. That the debts and claims against transferor, if any, of which such transferor has any knowledge or notice, are as follows: [designate whether (a) for gross receipts, use or privilege taxes due or to become due the State, as provided in the Revenue Act, (b) for wages due employees of the transferor, other than salaries of officers, (c) for unremitted c.o.d. collections due shippers, (d) for loss or damage of goods transported or received for transportation, (e) for overcharges on property transported, and (f) for interline accounts due other carriers.]

V. Information regarding the proposed transferee is as follows:

(a) That the proposed transferee is: () an individual, () a partnership, () an LLC, or () a corporation incorporated under the laws of the State of _____.

(b) That the names and addresses of the partners, if a partnership, or the principal managing officers, if a corporation or LLC, are as follows:

(c) That transferee's assets and liabilities are as follows:

<u>Assets</u>		<u>Liabilities</u>	
Real Estate	\$ _____	Liens on Real Estate	\$ _____
Rolling Equipment	_____	Liens on Equipment	_____
Cash on Hand	_____	Judgments	_____
Cash in Bank	_____	Other Liabilities	_____
Other Assets			
Total	\$ _____	Total	\$ _____

VI. That the proposed transferee has had the following experience in the transportation of _____ by motor vehicles for-hire over public highways:

VII. That the person to whom correspondence with respect to this application should be addressed is as follows:

_____ (state full and correct name)

_____ (state title and name of company, if attorney, so state)

_____ (state business address of person to be addressed)

That each person signing this application certifies that the representations appearing in said application and exhibits attached hereto, including any accompanying schedules or statements, are, to the best of his/her knowledge and belief, true, correct, and complete, based on all the information required to be included therein, of which he/she has any knowledge and these representations are made in good faith.

Dated this _____ day of _____, _____.

_____ (transferor signature)

_____ (transferee signature)

BY: _____

BY: _____

STATE OF _____, COUNTY OF _____

Sworn to and subscribed before me by the above-named

_____, this the _____ day of _____, _____.

_____ My Commission expires _____

(Notary Public)

(Applications filed on behalf of a corporation or LLC shall be signed and filed by an attorney, in accordance with Rule R1-5 of the Commission Rules and Regulations.)

_____ (Signature of Attorney)

_____ (Address)

INSTRUCTIONS

1. Submit an original and five (5) copies of the completed application to the North Carolina Utilities Commission, Chief Clerk's Office, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. Send check or money order **payable to the NC Dept. of Commerce/Utilities Commission** in the amount of \$250 for Class I motor carriers, \$100 for Class II motor Carriers, and \$25 for Class III motor carriers; provided that the applicable fee shall be the highest fee prescribed for any party to the transaction. Make a copy of the completed application for your records.

2. The original application must be signed by both parties (transferor and transferee) and sworn to by the parties signing the application. All information required on the application should be accurate and complete.

3. If the person signing the application as transferor is acting in a fiduciary capacity, attach a certified copy of the court order evidencing the appointment of the fiduciary, or other authority if there is no court order, and a similar order authorizing disposition of the operating authority. If the person signing the application is not the record holder of the operating authority, furnish a certified copy of his/her authority to act.

4. If the application is for approval of a sale of operating authority, a copy of the proposed sales agreement must be filed with the application and must contain the entire agreement between parties, including the purchase price agreed upon, and all the terms and conditions with respect to the payment of same.

5. If the application is for approval of a lease of operating authority, a copy of the proposed lease agreement must be filed with the application and must contain the entire agreement between the parties.

6. If the transferee is a partnership, a copy of an executed partnership agreement must be filed with the application. If the transferee is a corporation or LLC, a photostatic or certified copy of its corporate charter must be filed with the application unless same is already on file with the Commission. Corporations see important note below.

7. Any questions concerning this application and/or the application process should be directed to the Operations Division of the Commission at 919/733-4035 between the hours of 7:30 a.m. and 5:00 p.m., Monday - Friday. The office is located in the Dobbs Building, Room 4216, at 430 N. Salisbury Street, Raleigh, North Carolina.

PLEASE NOTE: APPLICATIONS FILED ON BEHALF OF A CORPORATION, AN ASSOCIATION, OR AN LLC SHALL BE SIGNED AND FILED BY AN ATTORNEY LICENSED TO PRACTICE IN THE STATE OF NORTH CAROLINA IN ACCORDANCE WITH RULE R1-5 OF THE RULES AND REGULATIONS ADOPTED BY THE NORTH CAROLINA UTILITIES COMMISSION.