

R2-08**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TRANSFERS; AND NOTICE.****(a) For Operating Authority.**

- (1) Application for authority to operate as a common carrier must be made on forms furnished by the Commission, and all the required exhibits must be attached to and made a part of the application. The original and three (3) complete copies of the application, including exhibits, must be filed with the Commission with a copy to the Public Staff. The original and the copies shall be fastened separately. A filing fee as set forth in G.S. 62-300 must accompany the application before it is considered as being filed.
- (2) The application shall be signed and sworn to by the applicant. If the applicant is a partnership, one partner may sign and verify for all; but the names and addresses of all partners must appear in the application and a certified copy of the partnership agreement, as filed in the county wherein the principal office of the partnership is located, must be filed with the Commission. Trade names will not be allowed unless the names and addresses of all owners are given. If the applicant is a corporation, a duly authorized officer of the corporation must verify the application. The names and addresses of the principal managing officers of the corporation must be given and a certified copy of the corporate charter filed with the application.

(b) For Approval of Sale, Lease, or Other Transfer of Operating Authority. (Also see Rule R2-9.)

- (1) Application for approval of sale, lease, or other transfer of operating authority shall be typewritten, shall be filed with the Commission with a copy to the Public Staff, by providing an original and three (3) copies and shall be accompanied by a filing fee as set forth in G.S. 62-300. Such applications may necessarily differ according to the nature of the transaction involved, but must include the following:
 - (A) The names and addresses of all parties to the transaction.
 - (B) A full and complete explanation of the nature of the transaction and its purpose.
- (2) If the application is for approval of a lease of operating rights, a copy of the proposed lease agreement must be filed with the application and must contain the entire agreement between the parties.
- (3) If the application is for approval of a sale of operating rights, a copy of the proposed sales agreement must be filed with the application and must contain the entire agreement between parties, including (i) an accurate description of the operating rights and other property to be transferred, and (ii) the purchase price agreed upon, and all the terms and conditions with respect to the payment of the same.
- (4) No sale of a certificate will be approved unless the seller complies with the provisions of G.S. 62-111 by filing a statement under oath, as therein required, with respect to debts and claims; a statement showing 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 authority to suspend operations, if theretofore granted by this Commission; and no such sale will be approved unless the purchaser files with the Commission a statement under oath of his assets and liabilities from which it must appear that the purchaser is solvent and in financial condition to meet such reasonable demands as the business may require.
- (5) If the transferee is a corporation, a photostatic copy or certified copy of its corporate charter must be filed with said application unless same is already on file with the Commission.
- (6) If the application is for approval of a merger of two or more carriers, or of any agreement by which one carrier seeks to acquire an interest in or control over another carrier, the application shall set out the purpose of such merger, combination or agreement, and the extent of any transfers of operating rights or other properties of the carriers involved, the changes in the financial status and obligations of the individual carriers involved, and all other matters necessary to a full understanding of the transaction and its effect upon other motor carriers.

(c) Notice of Application and Hearings.

- (1) Upon receipt of an application for a certificate for the transportation of household goods, same shall be set for hearing and at least twenty (20) days' notice shall be given in the Commission's calendar of truck hearings, a copy of which shall be mailed to applicant and to any other person desiring it, upon payment of charges to be fixed by the Commission. If no protests are filed to the application within the time provided for in Rule R2-11, or as extended by order of the

Commission, the hearing may be cancelled and the Commission may proceed to decide the application on the basis of information contained in the application and sworn affidavits.

- (2) Repealed.
- (3) Upon receipt of an application to operate as a bus company over fixed routes, the Commission, within ten (10) days after the filing of the application, shall cause notice thereof to be given by mail to the applicant, to other bus companies holding certificates to operate in the territory proposed to be served by the applicant, and to other bus companies who have pending applications to so operate. If no protests, raising material issues of fact to the granting of the application, are filed with the Commission within thirty (30) days after the notice is given, the Commission shall proceed to decide the application. If protests are filed raising material issues of fact to the granting of the application, the Commission shall set the application for hearing as soon as possible and cause notice thereof to be given to the applicant and all other parties of record.
- (4) The notice shall give the general nature and scope of the proposed operations and shall also fix the time within which protests, if any, shall be filed to the application. (See Rule R2-11.) See G.S. 62-300.

(NCUC Docket No. M-100, Sub 56, 5/24/74; NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. M-100, Sub 109, 5/20/86; NCUC Docket No. T-100, Sub 32, 8/23/95; NCUC Docket No. T-100 Sub 44, 11/24/98; NCUC Docket No. M-100, Sub 128, 11/30/01; NCUC Docket No. T-100, Sub 49, 02/02/04.)