

ORIGINAL

Decision No. 40937

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
)
 LILLIE TRANSPORTATION COMPANY, INC.,)
)
 For Order Authorizing Issue of 2500 Shares)
 of Its Capital Stock, or such lesser Amount :
 as This Honorable Commission May Deem)
 Equitable in Exchange for the Conveyance :
 and Transfer of the Real and Personal Pro-)
 perty Described Herein.)
 -----)

Application
No. 28696
(First Supplemental)

FIRST SUPPLEMENTAL OPINION AND ORDER

In the original application herein, filed with the Commission on September 5, 1947, Lillie Transportation Company, Inc. requested authority to issue \$250,000 par value of its common capital stock, or such lesser amount as the Commission may deem equitable, in exchange for properties of Wilbur Lillie and Everett Lillie.

By Decision No. 40796, dated October 10, 1947, the Commission, upon the basis of the balance sheet of Wilbur Lillie and Everett Lillie, dated June 30, 1947, authorized the corporation to assume the payment of the outstanding liabilities and to issue not exceeding \$123,400 of stock. It dismissed without prejudice the request to issue the remaining \$126,600 of stock.

In a supplemental application filed in this proceeding on November 10, 1947, the company asks the Commission to modify its decision and to base its order on the balance sheet of the business as of September 30, 1947. Such a balance sheet shows

total assets of \$1,038,860.12 and, on the liability side, obligations and provisions for taxes due in 1948 of \$647,842.92, reserves for depreciation and amortization of \$256,712.59, and proprietors' account of \$134,304.61. On this basis it asks the Commission to authorize the issue of \$134,300 par value of stock.

The Commission has considered this matter and is of the opinion that the money, property or labor to be procured or paid for through the issue of \$134,300 of stock is reasonably required for the purpose indicated herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED that paragraph "2" of the order in Decision No. 40796, dated October 10, 1947, be and it hereby is amended to read as follows:

"2. Lillie Transportation Company, Inc., after the effective date hereof and on or before December 31, 1947, may, in payment for such rights and assets, assume the payment of the outstanding liabilities referred to in the preceding opinion, based upon the amended balance sheet as of September 30, 1947, filed herein by said co-partnership, and may issue not exceeding \$134,300.00 of its capital stock."

IT IS HEREBY FURTHER ORDERED that paragraph "5" of the order in Decision No. 40796, dated October 10, 1947, be and it hereby is amended to read as follows:

"5. The application to issue the remaining \$115,700.00 of stock is dismissed without prejudice."

IT IS HEREBY FURTHER ORDERED that the order in Decision No. 40796, dated October 10, 1947, shall remain in full force and effect, except as modified by this supplemental order.

Dated at San Francisco, California, this _____ day
of November, 1947.

Harold P. Hills

Earl Russell

R. J. D. [unclear]

Commissioners