

ORIGINAL

Decision No. 59034

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 AUTO SHIPPERS, INC., a California
 corporation, and IMPORTED AUTO
 TRANSPORT, INC., a California corpo-
 ration, to merge, consolidate and
 transfer certificate of public con-
 venience and necessity and property
 to IMPORTED AUTO TRANSPORT, INC.,
 a California corporation.

Application No. 41241

Robert H. Wallis, attorney, for applicants.

O P I N I O N

A public hearing having been held at Long Beach before Examiner Mark V. Chiesa, and the matter having been submitted, the Commission finds the facts and concludes as hereinafter set forth.

Auto Shippers, Inc., a California corporation, (hereinafter referred to as "Auto"), and Imported Auto Transport, Inc., also a California corporation, (hereinafter referred to as "Imported"), seek authority to consummate an agreement whereby "Auto" will transfer its entire business and assets to "Imported." Both corporations are engaged in the same kind of business, the transportation of automobiles of foreign manufacture. "Auto" is a statewide certificated carrier of motor vehicles (Decision No. 51729) and "Imported" is a permitted carrier.

The officers and directors of the said corporations are the same. Curtis Wingett is president and a director; Phyllis Wingett is vice-president and a director; and Joseph Cox is secretary-treasurer and a director. All of the outstanding shares of

both corporations are owned by Curtis and Phyllis Wingett, husband and wife, as joint tenants.

The financial conditions of the corporations are as follows:

"Auto" (as of July 1, 1959)

Total Assets	\$51,229.70
Total Liabilities	<u>28,218.23</u>
Net Worth	\$23,011.47

Represented by:	
Capital Stock Outstanding (4500 shares of \$1.00 Par Value)	\$ 4,500.00
Unearned Surplus	3,121.88
Earned Surplus	<u>15,389.59</u>
	\$23,011.47

For the six months ending June 30, 1959, "Auto" operated at net profit of \$17,084.11.

"Imported" (as of May 1, 1959)

Total Assets	\$107,376.57
Total Liabilities	<u>92,571.65</u>
Net Worth	\$14,804.92

Represented by:	
Capital Stock Outstanding* (8000 shares of \$1.00 Par Value)	\$ 8,000.00
Paid in Surplus	1,229.79
Earned Surplus	<u>5,575.13</u>
	\$14,804.92

* Authorized by Division of Corporations Permit dated February 29, 1956.

"Auto's" liabilities consist of current trade accounts for gas, tires and other materials and supplies, amounting to \$12,855.67; payroll taxes, \$2.85; and loans, received from "Imported", amounting to \$15,359.71. It was testified by the president of said company that upon the consummation of the consolidation, "Imported" will cancel the latter indebtedness and steps will be taken to dissolve Auto Shippers, Inc. Applicant states that purpose of the application, for which Commission approval is sought,

is to eliminate a dual operation and effect bookkeeping, clerical and other operational economies. No additional shares will be issued by "Imported", the consideration being the benefits resulting from a single operation and the cancellation of the aforementioned indebtedness.

It was indicated by the president that future operations would be conducted under the certificated authority and that it is not the intention to conduct like transportation services as a common carrier and permitted carrier.

The application was not opposed and the Commission having considered the matter, finds that the transfer of the business and assets, including the certificate of public convenience and necessity, as hereinabove set forth, will not be adverse to the public interest. The application will, therefore, be granted.

The action taken herein shall not be construed to be a finding of value of the property herein authorized to be transferred.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found facts and concluded as hereinabove set forth,

IT IS ORDERED:

(1) That Auto Shippers, Inc., a California corporation, on or before ninety days after the effective date hereof, may transfer and sell the business and assets, together with the operative rights granted by Decision No. 51729, dated July 18, 1955, in the manner and for the considerations stated, to Imported Auto Transport, Inc., a California corporation, and the latter may acquire the business and assets referred to in the foregoing opinion and shall continue

to operate a transportation service as heretofore authorized by this Commission.

(2) That on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Auto Shippers, Inc., has withdrawn or cancelled and Imported Auto Transport, Inc., has adopted or established as its own said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

(3) That in the event the authority herein granted is exercised, applicants shall notify the Commission in writing of the fact within thirty days after the date of transfer.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,
this 22nd day of September, 1959.

[Signature]
President

[Signature]

[Signature]

[Signature]

Theodore H. Jensen
Commissioners