

ORIGINALDecision No. 69013

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 FOX & MUNSON, INC. d/b/a Santa Cruz
 Telephone Answering & Radio Service
 (Physicians & Surgeons Exchange), a
 corporation, for authority to sell,
 assign and dispose of its radio-
 telephone utility operations to
 WILLIAM ROBERT FOX d/b/a Santa Cruz
 Telephone Answering & Radio Service,
 an individual, and Application of
 WILLIAM ROBERT FOX d/b/a Santa Cruz
 Telephone Answering & Radio Service
 for authority to acquire such
 radiotelephone utility facilities.

Application No. 47370
 (Filed March 1, 1965)

O P I N I O N

The purpose of this application is to secure the authorization of the Commission, pursuant to Public Utilities Code Section 851, for the transfer of radiotelephone utility facilities from a corporation to an individual. The facilities sought to be transferred were purchased by the present seller pursuant to the authorization granted in Decision No. 63745, dated May 28, 1962, in Application No. 44260.

The corporate applicant herein (seller) is owned by the individual applicant (buyer) and his wife. Each owns 50 percent of the capital stock of seller. They have decided to dissolve the corporation and conduct the business as an individual proprietorship. Attached to the application in the form of a verification is the consent of Virginia M. Fox to the proposed transfer.

Applicant buyer will also acquire the business of a telephone answering service, and of the sale and rental of sickroom equipment now being carried on by applicant seller.

Applicants allege that the proposed transfer will be completed following the grant of authority herein requested and the granting by the Federal Communications Commission of applications for its consent to the assignment of seller's station authorization to buyer.

Inasmuch as the proposed transfer involves a family corporation as seller and the husband of said family as buyer, the proposed transfer agreement is oral. It appears that no moneys will change hands in the consummation of the proposed transfer.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that the application should be granted. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of the value of the rights and equipment herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Fox & Munson Inc. may, on or after the effective date hereof, and on or before January 1, 1966, sell, assign and dispose of its radiotelephone utility facilities to William Robert Fox.
2. As a condition of the authority herein granted, William Robert Fox is directed to continue the public utility responsibilities of Fox & Munson Inc. with respect to the area served by the properties being transferred.

3. The tariffs of Fox & Munson, Inc. now on file with this Commission shall be refiled, within thirty days from the date of actual transfer, under the name of William Robert Fox in accordance with the procedure prescribed by General Order No. 96-A, or, in lieu of such refiling, William Robert Fox may file a notice of adoption of said presently filed tariffs. No increases in the presently filed tariffs shall be made unless authorized by this Commission.

4. On or before the date of actual transfer of the specific properties herein authorized, Fox & Munson, Inc. shall transfer and deliver to William Robert Fox, and the latter shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the radiotelephone utility authorized to be transferred.

5. If the authority herein granted is exercised, William Robert Fox shall, within thirty days thereafter, file with this Commission the journal entries by which he proposes to record the acquisition of the radiotelephone utility properties herein authorized, together with a statement of the method of determining the original or historical cost of the items of plant used and useful in the operations of the radiotelephone utility, and together with a statement of the method of determining the amount of depreciation accrued as of the date of the transfer.

6. If the authority herein granted is exercised, William Robert Fox shall, within thirty days thereafter, notify this

Commission in writing of the date of such completion of the transfer herein authorized and of his compliance with the conditions hereof.

The effective date of this order shall be the date on which applicant shall have filed with this Commission a written statement showing that it has obtained authority from the Federal Communications Commission to assign seller's station authorization to buyer.

Dated at San Francisco, California, this 4th day of MAY, 1965.

Fredrick B. Halaloff
President

John E. Fitzgibbon

George E. Weaver

Augusta

William B. Brown
Commissioners