

ORIGINAL

Decision No. 75119

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)	
OERTLY BROS. TRUCKING COMPANY,)	Application No. 50702
a corporation, to issue shares of)	Filed November 22, 1968
its common capital stock, pursuant)	
to Section 816-830 of the California)	
Public Utilities Code.)	
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O P I N I O N

This is an application for an order of the Commission authorizing Oertly Bros. Trucking Company to issue and sell, at par for cash, not exceeding \$100,000 aggregate par value of its common stock.

Applicant is a California corporation operating as a public utility subject to the jurisdiction of this Commission performing a highway common carrier service in various portions of the State. For the year 1967 the company reports operating revenues and a net loss of \$850,872 and \$37,058, respectively. As of September 30, 1968, the company reports assets, liabilities and capital, as follows:

Assets

Current assets	\$ 35,842
Depreciable assets - net book value	137,985
Other assets	<u>50,830</u>
Total	<u>\$224,657</u>

Liabilities and Capital

Current liabilities	\$161,256
Long-term liabilities	164,492
Capital stock	38,800
Retained earnings (deficit)	<u>(139,891)</u>
Total	<u>\$224,657</u>

Applicant proposes to issue and sell not exceeding 1,000 additional shares of its common stock to a limited number of prospective shareholders, the proceeds of up to \$100,000 to be applied toward (a) improvement of facilities, (b) acquiring additional equipment and upgrading existing equipment, and (c) augmenting working capital.

In commenting upon its operating results, applicant indicates a recent improvement by stating "In June, 1968, Harold Laws was employed as general manager of the corporation and elected as president and since that time operating results have improved."

After consideration the Commission finds that: (1) the proposed stock issue is for proper purposes; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified

herein; and (3) such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. On the basis of these findings we conclude that the application should be granted. A public hearing is not necessary.

Applicant and its present and proposed stockholders are hereby placed on notice that THE AUTHORIZATION OF THIS COMMISSION IS NOT TO BE CONSTRUED AS OBLIGATING THE STATE OF CALIFORNIA TO PAY OR GUARANTEE ANY STOCK OR STOCK CERTIFICATE IN ANY MANNER WHATSOEVER.

Nothing in this decision is to be construed as authorizing any public utility to purchase, acquire, take or hold any part of the capital stock of applicant without first applying for, and receiving, the authority required by Section 852 of the Public Utilities Code.

O R D E R

IT IS ORDERED that:

1. Oertly Bros. Trucking Company, on or after the effective date hereof and on or before December 31, 1969, for the purposes set forth in the application, may issue and sell, at par for cash, not exceeding 1,000 shares of its \$100 par value common stock.

2. Oertly Bros. Trucking Company shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

3. This order shall become effective when Oertly Bros. Trucking Company has informed the Commission, in writing, to the effect that before the company issues or sells any of said stock it will ascertain that the prospective stockholder first reads a copy of this decision and is aware of applicant's financial condition.

Dated at San Francisco, California,
this 20th day of DECEMBER, 1962.

William J. Swans Jr.
President

Fred P. Morrissey
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.