

**ORIGINAL**

Decision No. 76032

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of )  
 )  
 E. A. BEERS and WILLIAM G. MINNIS, )  
 doing business as BEERS & MINNIS, )  
 a general partnership, to sell the )  
 operating rights and certain assets )  
 of the partnership )  
 and )  
 Application of )  
 )  
 BEERS AND MINNIS, INC., a )  
 California corporation, to purchase )  
 the operating rights and certain )  
 assets of the BEERS & MINNIS )  
 partnership, to issue stock and to )  
 assume certain obligations of the )  
 BEERS & MINNIS partnership. )  
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Application No. 51269  
Filed July 24, 1969

O P I N I O N

E. A. Beers and William G. Minnis, partners doing business as Beers & Minnis, request an order of the Commission authorizing them to transfer their carrier by water and highway common carrier operative rights and other assets consisting principally of tugs and barges to Beers and Minnis, Inc., and the latter, in acquiring said assets, seeks authority to assume liabilities and to issue 40,000 shares of its no par value capital stock at a stated value of \$1 per share.

The partners conduct carrier by water and alternative (between Colusa and Grimes) highway common carrier operations under operative rights acquired from The River Lines, Inc. pursuant to authority granted by Decision No. 72494, dated May 23, 1967, in Application No. 49229. In addition, they operate under the jurisdiction of the Interstate Commerce Commission. The carrier by water operations are conducted between points on San Francisco, Suisun and San Pablo Bays, and on the Sacramento and San Joaquin Rivers and their tributaries. The reported 1968 gross operating revenues and net income amount to \$1,327,512 and \$173,872, respectively.

In the present proceeding E. A. Beers and William G. Minnis propose to transfer said operative rights and other assets to Beers and Minnis, Inc., a California corporation incorporated on or about September 27, 1968. The corporation proposes to issue 40,000 shares of its no par value capital stock at a stated value of \$1 per share in exchange for said operative rights and other assets, subject to previously authorized indebtedness which it will assume. The amount of \$100 has been assigned to operative rights.

The reported book values as of June 30, 1969, for the assets (excluding operative rights) to be transferred total \$1,371,399, where tugs and barges account for \$1,246,839 of the total. As of May 31, 1969, the partners report an indebtedness of \$981,453 due after one year.

After consideration the Commission finds that: (1) the proposed transactions will not be adverse to the public interest; (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 purpose specified herein; and (3) such purpose is 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.

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

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1969, E. A. Beers and William G. Minnis may sell and transfer, and Beers and Minnis, Inc. may purchase and acquire, the operative rights and property referred to in the application.

2. Beers and Minnis, Inc., in acquiring said operative rights and property, may assume the liabilities referred to in this proceeding, and may issue not exceeding 40,000 shares of its no par value capital stock at a stated value of \$1 per share.

3. Beers and Minnis, Inc. 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.

4. Within thirty days after the consummation of the transfer herein authorized, Beers and Minnis, Inc. shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

5. Beers and Minnis, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. 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. 117. Failure to comply with and observe the provisions of General Order No. 117 may result in a cancellation of the operating authority acquired pursuant to this decision.

6. On or before the end of the third month after the consummation of the transfer as herein authorized, Beers and Minnis, Inc. shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the sellers for the period commencing with the first day of the current year to and including the effective date of the transfer.

7. Within thirty days after the effective date hereof, Beers and Minnis, Inc. shall file a written acceptance of the operative rights, the transfer of which is herein authorized. Beers and Minnis, Inc. is placed on notice that, if it accepts such operative rights, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Orders Nos. 100-E and 111-E.

8. Beers and Minnis, Inc. shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

9. This order shall become effective when Beers and Minnis, Inc. has paid the additional filing fee required by Section 1904(a) of the Public Utilities Code, which additional fee is \$200.

Dated at San Francisco, California,  
this 19th day of AUGUST, 1969.

William Synovis, Jr.  
President

Arthur M.

Paul P. Monissey

Arthur M.

Thomas M.  
Commissioner

