

Decision No. 77614

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF GEORGE W. SMITH)
 FOR AN ORDER DECLARING THAT A)
 CERTAIN STOCK PURCHASE DOES NOT)
 REQUIRE COMMISSION APPROVAL, OR)
 IN THE ALTERNATIVE, APPROVAL OF)
 SAID PURCHASE.)
 _____)

Application No. 52042
Filed July 16, 1970

O P I N I O N

George W. Smith seeks an order of the Commission enabling Blasiar-Smith, Inc. to acquire from him 60 shares of the capital stock of Mobilfone, Inc.

From the time of the enactment of the Public Utilities Code in 1951, Section 852 thereof has read as follows:

"No public utility shall purchase or acquire, take or hold, any part of the capital stock of any other public utility, organized or existing under or by virtue of the laws of this State, without having been first authorized to do so by the commission. Every assignment, transfer, contract, or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this article is void and of no effect, and no such transfer shall be made on the books of any public utility. Nothing herein contained shall prevent the holding of stock heretofore lawfully acquired."

After consideration the Commission finds that:

1. Mobilfone, Inc. is a public utility organized and existing under and by virtue of the laws of the State of California.
2. Applicant and Mobilfone, Inc. were authorized to continue operating as radiotelephone utilities by Decision No. 62156, dated June 20, 1961, in Case No. 6945.
3. Pursuant to authority granted by Decision No. 74370, dated July 9, 1962, in Application No. 49926, applicant herein transferred his radiotelephone utility properties and business to Radio Page Communications, Inc.
4. Blasiar-Smith, Inc. is a California corporation engaged primarily in the telephone answering business, and has not been regarded as a public utility subject to the jurisdiction of this Commission.
5. On or about October 9, 1967, Certificate No. 30, purporting to evidence 60 shares of stock of Mobilfone, Inc., was issued in the name of applicant.
6. Said Certificate No. 30 was issued for the purpose of reflecting an attempted transfer of 60 shares of stock of Mobilfone, Inc. from International Telephone and Telegraph Industrial Products, a Maryland corporation.
7. Blasiar-Smith, Inc. desires to acquire the stock purportedly evidenced by said Certificate No. 30.
8. A public hearing is not necessary.

On the basis of the foregoing findings we conclude

that:

1. Said Certificate No. 30 is void.

2. No authority is needed from this Commission for Blasiar-Smith, Inc. to acquire directly from International Telephone and Telegraph Industrial Products the stock purportedly evidenced by said Certificate No. 30.
3. The application herein should be dismissed.

O R D E R

IT IS ORDERED that Application No. 52042 is hereby dismissed.

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

Dated at San Francisco, California,
this 18th day of AUGUST, 1970.

J. P. ...
Chairman
August
William ...
...
Vernon L. Sturgeon
Commissioners