

Decision No. 79976

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of UKIAH ANSWERING SERVICE, a partnership (Seller), for authority to sell, and CAL-AUTOFONE, a corporation (Buyer) to buy, the radiotelephone utility assets and business of Seller in the City of Ukiah, California, and surrounding area.

Application No. 53209
(Filed March 20, 1972)

O P I N I O N

Larkin D. Younce and Rodney L. Zimmerman, co-partners doing business as Ukiah Answering Service, request authority to sell and transfer and Cal-Autofone, a corporation, requests authority to purchase and acquire the radiotelephone utility assets and business of applicant sellers in the City of Ukiah.

Applicant sellers operate a radiotelephone utility (KOM 657) currently authorized to provide two-way mobile telephone and one-way paging communication service on base station frequency 152.15 in the City of Ukiah and surrounding area. Applicant buyer is a radiotelephone utility currently authorized to provide two-way mobile telephone service, one-way paging service, and rural service in the Cities of Crescent City, Eureka and Garberville and adjacent territory.

By an agreement dated February 9, 1972, applicant sellers agreed to sell and applicant buyer agreed to purchase all of the assets and business of applicant sellers. The agreed consideration is \$7,083 payable as follows; \$3,500 in cash and the assumption by applicant buyer of applicant sellers' loan from the Small Business Administration in the amount of \$3,583. A value of \$1,000 is placed upon the operating authority and a value of \$283 is placed upon a covenant not to compete for three years.

As of December 31, 1971, applicant buyer indicated a net worth in the amount of \$8,404.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and that the property to be paid for by the issue of the indebtedness herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before September 1, 1972, Larkin D. Younce and Rodney L. Zimmerman, co-partners doing business as Ukiah Answering Service, may sell and transfer and Cal-Autofone may purchase and acquire the radiotelephone utility operating authority and property herein referred to according to the terms and conditions of the agreement attached to the application.

2. Within thirty days after the consummation of the transfer herein authorized, applicant buyer 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 the transfer which may be executed to effect said transfer.

3. Applicant buyer shall amend or reissue the tariffs on file with this Commission, naming rates and rules governing the utility 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 five days after the effective date of this order on not less than five 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. 96-A. Failure to comply

with and observe the provisions of General Order No. 96-A may result in a cancellation of the operating authority granted by this decision.

4. After the effective date hereof applicant buyer may assume evidence of indebtedness in an amount not to exceed \$3,583.

The authority herein granted to issue a note will become effective when applicant has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$50.00. In other respects the effective date of this order shall be twenty days after the date hereof.

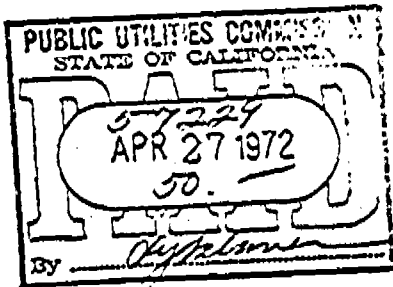
Dated at San Francisco, California, this 25th day of APRIL, 1972.

William H. ... Chairman

Alan ...

Yuan L. ...

... Commissioners



Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.