

ORIGINAL

Decision No. 85385

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of ROY L. JOHNSTON AND EDNA V.)	
JOHNSTON, individuals and sole)	Application No. 56046
stockholders of JOENSTON VACUUM)	(Filed November 4, 1975)
TANK SERVICE, a corporation, To)	
Sell and Transfer Shares of Stock)	
of JOHNSTON VACUUM TANK SERVICE.)	

O P I N I O N

By this application Roy L. Johnston and Edna V. Johnston husband and wife and sole stockholders of Johnston Vacuum Tank Service, a California corporation, seek to sell and Eddie W. Watkins and John W. Sparks, individuals, seek to purchase all the 1,000 shares of \$100 par value common stock of the corporation presently issued and outstanding.

Johnston Vacuum Tank Service operates as a petroleum irregular route carrier pursuant to a certificate of public convenience and necessity issued by Decision No. 78792, dated June 15, 1971, in Application No. 52582. It also holds highway carrier permits issued by this Commission.

The proposed purchasers do not presently hold highway carrier operating authority issued by this Commission. It is alleged that Eddie W. Watkins has worked in the oilfield drilling and service field for the past 22 years, and for the past 7 years, is the owner of Watkins Construction, a proprietorship, by which he is engaged primarily in oilfield maintenance and operation. He proposes to purchase 500 shares of stock. John W. Sparks has allegedly worked in the trucking business for the past 17 years, and for the past 13 years has been driving vacuum tank vehicles; 11 of those years were in the employment of Johnston Vacuum Tank Service. He will purchase the other 500 shares of the corporation's stock.

It is further alleged that the proposed transferees are thoroughly familiar with the operations being carried on by Johnston Vacuum Tank Service and the conduct of operations as a petroleum irregular route carrier. They will become directors and managing officers of the carrier corporation when consent to the transfer and assignment of the shares of stock has been given by the Commission and will actively participate in the management, direction and control of Johnston Vacuum Tank Service.

After consideration, the Commission finds that control of Johnston Vacuum Tank Service by Eddie W. Watkins and John W. Sparks would not be adverse to the public interest.

The Commission concludes that the acquisition of control of Johnston Vacuum Tank Service, as requested in the application, should be authorized. A public hearing is not necessary. The action taken herein shall not be construed as a finding of value of the capital stock of Johnston Vacuum Tank Service, nor as indicative of a conclusion by the Commission that acquisition by one party of not more than 50% of the stock of a corporation constitutes control of the corporation.

In consideration of the ownership of Eddie W. Watkins of Watkins Construction, the certificate held by Johnston Vacuum Tank Service will be amended to include an appropriate alter ego restriction.

O R D E R

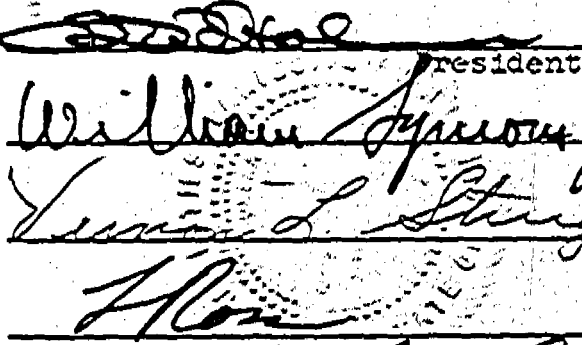
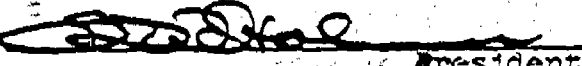
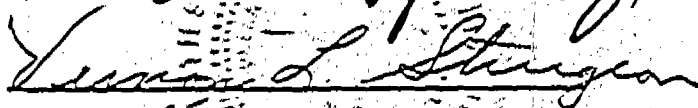


IT IS ORDERED that:

1. Eddie W. Watkins and John W. Sparks may control Johnston Vacuum Tank Service.
2. Within ninety days after the date hereof, Eddie W. Watkins, John W. Sparks and Johnston Vacuum Tank Service shall file reports informing the Commission whether or not the stock acquisition has been completed.

3. Effective on the date the control authorized in Paragraph 1 hereof is effected, Decision No. 78792, is amended by substitution of First Revised Original Page, attached hereto and made a part hereof, in place and stead of Original Page to Appendix A thereof.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th day of January, 1976.


 President
William J. Symon Jr.


 Commissioners

Johnston Vacuum Tank Service, a California corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products in pump or vacuum-type trucks and trailers between all points and places within 90 miles of Taft, California, and also to serve customers with headquarters within said radius by operating beyond said area to other points in California, subject to the following restrictions:

1. This certificate of public convenience and necessity is issued subject to obtaining and maintaining a valid registration certificate as a liquid waste hauler from the State Water Resources Control Board.
2. Johnston Vacuum Tank Service, a corporation, shall transport only those shipments which have both origin and destination within two miles of an oil well, well site, or pipeline break, a well site being any location upon which an oil well is about to be constructed, is being constructed, or is completed but is not yet producing.
- *3. Whenever Johnston Vacuum Tank Service, a corporation, engages other carriers for the transportation of property of Johnston Vacuum Tank Service, a corporation or Eddie W. Watkins, an individual, doing business as Watkins Construction, or customers or suppliers of said corporation or individual, Johnston Vacuum Tank Service shall not pay such other carriers rates and charges less than the rates and charges published in the tariffs filed with this Commission by Johnston Vacuum Tank Service.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

* Amended by Decision No. 85385, Application No. 56046.