

ORIGINAL

Decision 88 12 074 DEC 19 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Henry Kai and Danny D. Sohn for )  
approval of the transfer of control )  
of ABIA Transit System, Inc. through )  
purchase of stock, pursuant to the )  
provision of the Public Utilities )  
Code Section 854. )

Application 88-08-045  
(Filed August 24, 1988)

OPINION

This is an application in which Danny D. Sohn (Sohn) seeks to acquire control of ABIA Transit System, Inc. (ABIA) through the purchase of all of its capital stock from Henry Kai (Kai).

Notice of the filing of the application appeared in the Commission's Daily Transportation calendar on August 26, 1988. There are no protests.

The Commission makes the following findings and conclusions:

Findings of Fact

1. A public hearing is not necessary in this matter.
2. ABIA holds a certificate of public convenience and necessity, granted in Decision 84-09-043, to operate as a passenger stage corporation to provide transportation for passengers and baggage between all points in Orange County and all points in a designated area in Los Angeles County, on the one hand, and Los Angeles International Airport, Long Beach Municipal Airport, John Wayne Airport, Ontario International Airport, Burbank Airport (from Los Angeles County only), and docks and piers at Los Angeles and Long Beach Harbors, on an on-call basis, on the other hand.

3. ABIA owns 7 pieces of operating equipment: 6 Dodge vans and one Cadillac sedan. It had operating revenues of \$133,531 for the six months ending June 30, 1988.

4. Kai owns all of the outstanding capital stock of ABIA.

5. Kai and Sohn have entered into an agreement in which Sohn will purchase all the capital stock of ABIA for \$120,000. The sum of \$60,000 is to be paid in cash. The balance is to be paid in 4 years under a promissory note, secured by the assets of ABIA, with interest at 9% per annum.

6. Sohn has 7 years of experience in automotive sales and managerial experience. He will retain the present employees of ABIA. Sohn had a net worth of \$217,937 as of July 11, 1988.

7. Sohn has the ability, including financial ability, to assume control of ABIA and continue its operations.

8. The proposed acquisition of control by Sohn of ABIA through the purchase of all outstanding shares of capital stock from Kai is not adverse to the public interest.

9. The issuance of a secured promissory note as a part of the purchase transaction requires a certificate by the Commission, pursuant to PU Code § 816 et seq. and the payment of fees pursuant to PU Code § 1904(b).

10. The proposed security issue is for lawful purposes and the money, property, or labor to be obtained by its are required for these purposes. Proceeds from the security issue may not be charged to operating expenses or income.

11. Since the order only affects the parties to it, it should be made effective on the date of issuance.

#### Conclusions of Law

1. The application should be granted.

2. ABIA should be authorized to issue a secured promissory note for \$60,000.

This authorization is not a finding of the value of the rights and properties to be transferred.

ORDER

IT IS ORDERED that:

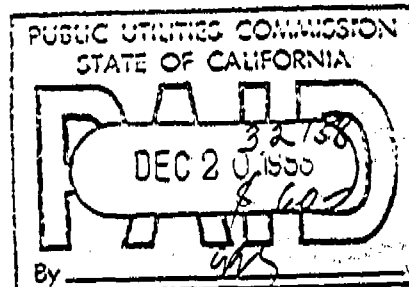
1. Danny D. Sohn is authorized to acquire control of ABIA Transit System, Inc. (ABIA) by the purchase of capital stock from Henry Kai in accordance with the terms of the application.
2. ABIA shall file written notice of the acquisition of control within 15 days after the transactions authorized herein have been consummated.
3. The authority granted in Ordering Paragraph 1 shall expire unless it is exercised before June 30, 1989.
4. The authority granted by this order to issue an evidence of indebtedness will become effective when the issuer pays \$60, set by PU Code § 1904(b).

In all other respects, this order is effective today.

Dated DEC 19 1988, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners



IN CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Victor Weiss*  
Victor Weiss, Executive Director