

Decision 89 04 053 APR 14 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ROBERT C. CRABB )  
1987 TRUST to transfer, and )  
EDWARD L. WATKINS and THERESA )  
WATKINS to acquire control and )  
operating authority of MT. SHASTA )  
RADIO-TELEPHONE, INC. (U-2039-C). )

Application 88-09-023  
(Filed September 12, 1988)

ORIGINAL

O P I N I O N

This is an application in which Edward L. Watkins and Theresa Watkins (Watkinses) seek to acquire control of Mt. Shasta Radio-Telephone, Inc. (Mt. Shasta) by acquisition of its common stock from the Robert C. Crabb 1987 Trust (Trust).

Notice of the filing of the application appeared in the Commission's Daily Calendar on September 16, 1988. There are no protests.

The Commission makes the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Mt. Shasta is a California corporation. It received a certificate of public convenience and necessity to operate as a telephone corporation for providing radiotelephone services in Decision 93128. Trust is the sole shareholder of all outstanding Mt. Shasta stock.
3. The Watkinses reside in Mt. Shasta's service area. Theresa Watkins has served as its manager since October, 1987 and been its president since March, 1988.
4. As of December 31, 1987, Mt. Shasta had assets of \$100,738. Its operating revenues for the 12 months ending December 31, 1987 were \$175,836.

5. Robert C. Crabb, the settlor of Trust and beneficial owner of Mt. Shasta died on March 20, 1988. Article Eighth of the Trust enabling document provides in part that:

"Article Eighth a. On the death of the Settlor, the Trustee shall terminate the Trust and shall distribute same in accordance with the provisions of Article Eighth b, et. seq."

\* \* \*

"(iv) The rest, residue and remainder unto Edward L. Watkins and Theresa Watkins, husband and wife, in equal shares, or to the survivor."

The shares of Mt. Shasta stock are encompassed by this provision.

6. The proposed acquisition of control will not change the nature of Mt. Shasta's operations.

7. The Watkinses have the ability, including financial ability, to acquire control and continue the operations of Mt. Shasta.

8. Mt. Shasta is a telephone corporation which is a nondominant telecommunications carrier.

9. Ordering Paragraph 1 of D.85-01-008 in Application 85-03-092 dated January 3, 1985, provides that:

"1. On and after the effective date of this order, public utility resellers of telecommunications services are exempted from the requirements of PU Code §§ 816-830."

10. Ordering Paragraph 7 of D.87-04-017, dated April 8, 1987, provides in part that:

"...in noncontroversial applications for authority to transfer assets or control under PU Code §§ 851-855, such authority may be granted by the Commission's Executive Director as specified in D.86-08-057."

11. Since the ensuing order primarily affects the parties to this application, it should be made effective on the date of issuance.

Conclusion of Law

The application should be granted.

ORDER

IT IS ORDERED that:

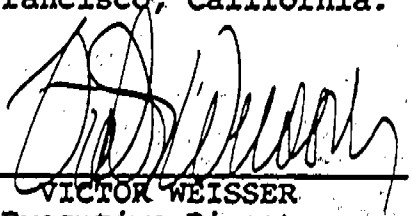
1. On or after the effective date of this order the Robert C. Crabb 1987 Trust (Trust) may transfer all of the capital stock of Mt. Shasta Radio-Telephone, Inc. to Edward L. Watkins and Theresa Watkins (Watkinses) in accordance with the terms of the document establishing Trust, as set forth in the application.

2. The Watkinses shall file written notice of the acquisition of control with the CACD within 15 days after it has occurred.

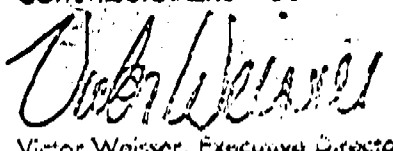
3. The authority granted in Ordering Paragraph 1 shall expire unless it is exercised before December 31, 1989.

This order is effective today.

Dated APR 14 1989, at San Francisco, California.

  
VICTOR WEISSER  
Executive Director

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

  
Victor Weiss, Executive Director  
NB