

ORIGINAL

Decision 89 09 004 SEP 7 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AIRPORT LIMOUSINE SERVICE OF)
SUNNYVALE, INC. dba Airport)
Connection--PSC 899,)

Complainant,)

vs.)

Lorries Travel and Tours, Inc.--)
PSC 1003,)

Defendant.)

Case 89-05-007
(Filed May 5, 1989)

OPINION

Complainant seeks to establish the true responsible party who owns and controls defendant. Complainant alleges that the sole shareholder of defendant is Ms. Joan Donohoe, but that Mr. Tony Ruiz is the actual owner of defendant and controls defendant. Complainant alleges that there has been an illegal transfer of control in violation of statute.

Complainant and defendant both perform on-call transportation between San Francisco and the San Francisco International Airport. Complainant and defendant are competitors and complainant alleges that defendant owes complainant \$200,000. Complainant requests an order (1) directing Donohoe to reestablish control of defendant, and (2) requiring Donohoe to provide her address so she can be properly served.

Defendant did not answer the complaint.

We have reviewed our records, of which we take official notice, which show that Donohoe is defendant's owner and Ruiz is defendant's president. As late as October 1988 complainant and defendant filed a joint application to transfer assets which showed Donohoe as sole owner of defendant and Ruiz as president.

(A.88-09-020, Ex. 4H). Complainant's allegation of a change in ownership in violation of statute is conclusory and not supported by any factual allegations. We decline to become involved in what is apparently a civil suit to collect a debt that belongs in the Superior Court. Should complainant have facts to support his allegation of illegal transfer he should bring those facts to the attention of our Transportation Division to determine if an investigation should be opened regarding the ownership of defendant.

The Commission finds that complainant has failed to state a cause of action and concludes that the complaint should be dismissed.

Pursuant to Rule 10 this matter is referred to the staff to attempt to resolve informally.

ORDER

IT IS ORDERED that the complaint is dismissed, without prejudice, and is referred to the staff pursuant to Rule 10 for informal resolution.

This order is effective today.

Dated SEP 7 1989, at San Francisco, California.

G. MITCHELL WLK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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

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Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director
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