

Decision SZ 04 094

APR 2 1 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of James H. Leonard and Edna M.)
Leonard for authority to control)
Mendocino Van & Storage Company,)
Mendocino.)

Application 60562
(Filed May 19, 1981)

O P I N I O N

James H. Leonard and Edna M. Leonard, (purchasers) husband and wife, have applied to acquire control of Mendocino Van and Storage Company, (Mendocino), a California corporation, by purchase of stock from Arnold J. Bogner (seller).

Mendocino holds a highway common carrier certificate of public convenience and necessity, GC3122, granted under Public Utilities (PU) Code Section 1063.5, and highway carrier permits issued by this Commission, under File T-80,047.

There are presently outstanding 1,000 shares of common capital stock of Mendocino, all of which are held by seller. It is proposed that 720 shares will be sold to Mendocino as treasury stock for a total price of \$188,000. The remaining 280 shares will be acquired by purchasers for a total of \$72,000. Upon consummation of the transaction, purchasers will make full payment for

the 720 shares of stock in cash and Mendocino will make a partial cash payment of \$26,527 for the treasury stock. The outstanding balance of \$161,473 due the seller will be paid in monthly installments at 10 1/2 % interest per annum. Rule 33 of the Commission's Rules of Practice and Procedure was amended to exempt certain financial transactions of highway common carriers from the requisite approval of the Commission, as described in PU Code Section 816, et seq. The proposed promissary note qualifies for the exemption.

A copy of the application was furnished to the California Trucking Association. Notice of the filing of the application appeared in the Daily Calendar of May 21, 1981. No protests have been received. Applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require wide distribution of the application. We will grant a waiver.

Findings of Fact

1. Seller seeks to transfer control of Mendocino to purchasers under PU Code Sections 854 and 3551.
2. Under Rule 33(g) of the Commission's Rules of Practice and Procedure, the security transaction involved is exempt from the need to obtain specific Commission approval.

4. A public hearing is not necessary.
5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
7. The action taken herein shall not be construed as a finding of value of the capital stock of Mendocino.

Conclusions of Law

1. The proposed transfer of control would not be adverse to the public interest.
2. The application, including applicants' request for relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure, should be granted.

O R D E R

IT IS ORDERED that:

1. Under Public Utilities Code Sections 854 and 3551, James H. Leonard and Edna M. Leonard are authorized to control Mendocino Van and Storage Company, a California corporation, by purchase of all issued and outstanding capital stock. This authority will expire six months after the effective date of this order.

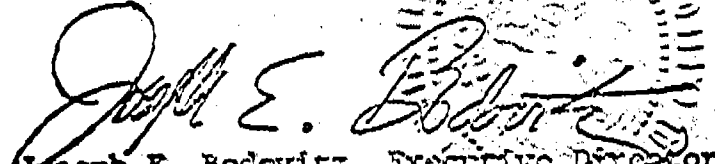
2. Applicants' request for relief from the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure is granted.

This order becomes effective 30 days from today.

Dated APR 21 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director
