

Decision 83 09 087 SEP 30 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EDWIN LONGWORTH to acquire control of)
C.A.V. TRANSPORTATION, INC., a)
corporation, through acquisition of)
stock from RALPH KAGAY. }

Application 83-06-17
(Filed June 8, 1983)

O P I N I O N

Applicants Edwin Longworth and Ralph Kagay by this application request authority for Longworth to acquire control of C.A.V. Transportation, Inc. (C.A.V.) through acquisition of 2,000 shares of the outstanding stock of C.A.V. from Kagay under Public Utilities (PU) Code Sections 854 and 3551.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on June 13, 1983. No protests to the application have been filed with the Commission.

C.A.V. is a highway common carrier under and by virtue of the common carrier certificate, GC 4028, issued by the Commission under PU Code Section 1063.5. This certificate authorizes the transportation of general commodities, with usual exceptions, between points and places within the State of California. C.A.V. has also been granted a contract carrier permit, file No. T-131,341. C.A.V. is not a party to any through routes or joint rates or fares with any other carrier.

C.A.V. is authorized by its articles of incorporation to issue 50,000 shares of capital common stock, all of the same class. All of the 3,000 shares of outstanding and issued stock

have been issued as follows: Ralph Kagay, 2,000 shares; Edwin Longworth, 1,000 shares. The officers and directors of C.A.V. are as follows: Edwin Longworth, director and president; Lois Longworth, director, secretary, and chief financial officer.

Under an agreement dated November 1, 1981, a contract was entered into between Kagay and Longworth in which Kagay agreed to sell and Longworth agreed to purchase Kagay's 2,000 shares of C.A.V. stock for the total purchase price of \$2,000. Upon consummation of the transfer of stock, Longworth will own 3,000 shares of the outstanding and issued stock of C.A.V., and there will be no change in the present directors and officers of C.A.V.

The application alleges that Kagay desires to retire from the motor carrier transportation business and no longer actively participates in the management or operation of C.A.V. Longworth is active in the management and operation of C.A.V. and has considerable experience in the motor carrier transportation industry in California. Longworth has had more than 20 years experience in the for-hire motor carrier transportation business and will continue as president, chief executive officer, and as a director of C.A.V. There will be no change in the motor carrier operations of C.A.V. or any change in the services offered to the public. The public will suffer no detriment by Longworth's acquisition of 2,000 shares of stock from Kagay.

Authority has been requested and an order obtained from the California Department of Corporations consenting to the transfer of stock between the parties.

Applicants assert that no party, to their knowledge, will have an interest in this application, other than the parties to the agreement, since the change in control will in no way affect the competitive position or operations of C.A.V.

Findings of Fact

1. A contract of purchase and sale between Longworth and Kagay has been entered into whereby Longworth will purchase from Kagay and Kagay will sell to Longworth 2,000 shares of stock for the total purchase price of \$2,000.

2. Following Longworth's acquisition of 2,000 shares of stock from Kagay, Longworth will own all the outstanding issued stock in C.A.V.

3. The change in ownership of the stock in C.A.V. will not affect motor carrier operations of C.A.V. or result in any change in the service offered to the public.

4. The public will suffer no detriment from Longworth's acquisition of 2,000 shares of stock from Kagay.

5. No protests have been received to this application.

6. A public hearing is not necessary.

Conclusions of Law

1. Inasmuch as there will be no change in the operation of the requested transfer of common stock the requested transfer will not be adverse to the public interest and the application should be granted.

2. Since no protests have been received with respect to the application the order should become effective on the day of issuance.

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

O R D E R

IT IS ORDERED that on or after the effective date of this order Ralph Kagay may transfer 2,000 shares of stock of C.A.V. Transportation, Inc. to Edwin Longworth. Written notice of the consummation of the transaction authorized shall be filed with the Commission within ten days after its completion.

This order is effective today.

Dated SEP 30 1983, at San Francisco, California.

LEONARD M. CRIMES, JR.
President

VICTOR CALVO

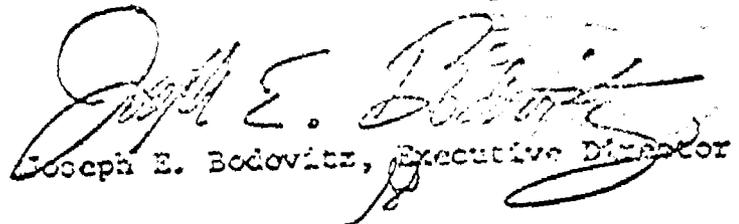
DONALD WIAL

WILLIAM T. DAGLEY

Commissioners

Commissioner Priscilla C. Crow,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director