

ORIGINAL

Decision 83 11 088 NOV 22 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
William W. Johnston, Sr. and
Gary L. Merritt to acquire control
of Record Transport, Inc.

Application 83-08-02
(Filed August 1, 1983)

O P I N I O N

William W. Johnston, Sr. and Gary L. Merritt (applicants) seek authority to acquire control of Record Transport, Inc. (Record), a California corporation, through increase of their proportionate share ownership in Record caused by a redemption of the shares of the major shareholder of the corporation.

Record is a highway common carrier under and by virtue of a highway common carrier certificate, GC-1092, File T-100,457, issued by the Public Utilities Commission of the State of California under Public Utilities Code Section 1063.5. Record also holds a highway contract carrier permit.

An agreement between Gordon A. Johnston (Johnston) and Record for redemption of the former's 520 shares for the sum of \$150,000 is attached to the application. Redemption will result in applicants' holdings of 150 shares each constituting all of the outstanding shares of Record.

The redemption amount of \$150,000 will be paid \$90,000 in cash and \$60,000 by way of a promissory note. Record's balance sheet on December 31, 1982 shows \$181,000 in total shareholders' equity of which \$177,000 are current assets.

Applicants and Johnston are all active in the operation of Record, and Johnston will be retained as a company employee under an employment contract.

This application appeared on the Commission's Daily Calendar of August 3, 1983, and a copy was served upon the California Trucking Association. No protests have been received.

Findings of Fact

1. The proposed share redemption is not adverse to the public interest.
2. Record has the financial resources and experience to successfully provide the certificated services.
3. A public hearing is not required.

Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. William W. Johnston, Sr. and Gary L. Merritt may acquire control of Record Transport, Inc. by execution of the share redemption agreement attached to the application.
2. Written notice of the consummation of the control transaction authorized shall be filed with the Commission within 10 days after its completion.

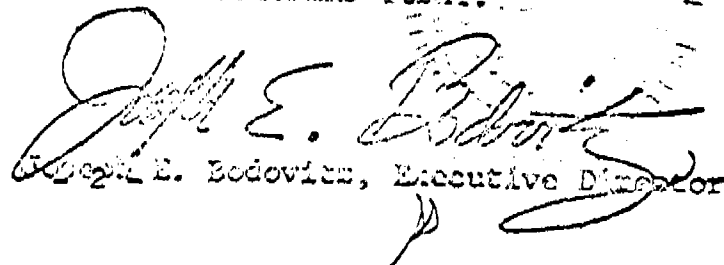
This order becomes effective 30 days from today.

Dated November 22, 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
WILLIAM T. BAGLEY
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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


Joseph E. Bodovitz, Executive Director

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2. Record has the financial resources and experience to successfully provide the certificated services.

3. A public hearing is not required. Conclusion of Law

The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. William W. Johnston, Sr. and Gary L. Merritt may acquire control of Record Transport, Inc. by execution of the share redemption agreement attached to the application.

2. Written notice of the consummation of the control transaction authorized shall be filed with the Commission within 10 days after its completion.

This order becomes effective 30 days from today.

Dated NOV 22 1983, at San Francisco, California.

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