

Decision 84 01 020

JAN 5 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of  
LaRON F. LEWIS to acquire control of  
WOODSON TRUCKING, INC., by means of  
the purchase of WOODSON TRUCKING,  
INC.'s outstanding stock.

Application 83-11-26  
(Filed November 14, 1983)

O P I N I O N

LaRon F. Lewis requests authority to acquire control of Woodson Trucking, Inc. (WTI) by acquiring all of its outstanding stock, which is now held by Marshall W. Woodson and Katherine J. Woodson, husband and wife. A copy of the agreement covering the sale of the stock is attached to the application as Exhibit 1. In a subsequent letter to the Commission the applicant's attorney advises that the stock consisting of 1,200 shares shall be held in the names of LaRon F. Lewis and Claudette A. Lewis, husband and wife, as joint tenants.

The assets of the corporation consist solely of the following statewide operating authorities issued to it by the Commission under File T-107,294: a highway common carrier certificate and highway contract carrier, agricultural carrier, and heavy-specialized carrier permits. The common carrier authority is a Public Utilities (PU) Code § 1063.5 certificate, GC-5619 issued April 30, 1980. According to the Commission's records, WTI has placed all of its operating authority in voluntary suspension.

Lewis has had more than ten years' experience in the trucking business. His attorney has advised that Lewis had operated an intrastate trucking business in Washington State in the past and has operated in interstate and foreign commerce only under authority from the Interstate Commerce Commission since coming to California several years ago. His present business is located at Corning and is operated under the name Ron Lewis Trucking.

As of October 28, 1983, Lewis had assets of \$163,473, liabilities of \$64,169, and a net worth of \$99,304. He owns a 1982 Western Star Truck and a 1982 Hobbs Van.

The application asserts that the stock transfer would not be adverse to the public interest and would not significantly affect the quality of the human environment.

The application was listed on the Commission's Daily Transportation Calendar of November 17, 1983. A copy was served on the California Trucking Association. No protest has been received.

PU Code § 1064.5 prohibits the transfer of Section 1063.5 certificates during the first five years after issuance except to the extent of operations actually conducted as a prime carrier. Section 3596.5 of the code includes a similar restriction on the transfer of heavy-specialized carrier permits. We have consistently held that the transfer of control of a corporation resulting from the sale of its stock is not a transfer within the meaning of these two code sections. However, Lewis is placed on notice that if it is his intent to have the operating authority transferred to him as an individual proprietorship and to conduct the intrastate business in this manner, the provisions of the two code sections would apply.

Since there are no known objections to the proposed stock sale, the following order should be made effective on the date it is issued.

Findings of Fact

1. The transaction in issue is not adverse to the public interest.
2. The transaction in issue should be authorized.
3. The action taken should not be construed as a finding of value of the stock of WTI.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

6. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. Because there is an immediate need for the sought authority, the following order should be made effective on the date of issuance.

O R D E R

IT IS ORDERED that:

1. LaRon F. Lewis and Claudette A. Lewis, husband and wife, as joint tenants, may acquire all of the outstanding shares and control of Woodson Trucking, Inc. in accordance with the Stockholders' Stock Sale Agreement set forth in Exhibit 1 to the application.

2. Buyers shall immediately notify the Commission in writing when the stock has been acquired.

This order is effective today.

Dated JAN 5 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

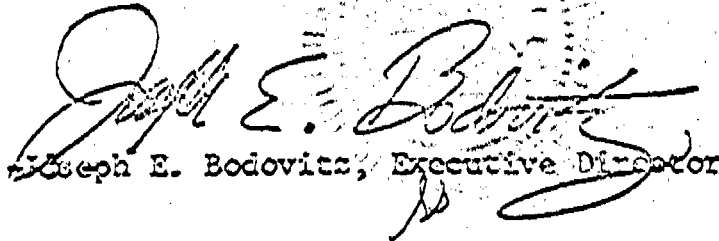
PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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

  
Joseph E. Bodovitz, Executive Director