

Decision No. 87257

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of FRANK L. HAWKEY for authority )  
to control HAWKEY TRANSPORTATION, )  
INC., a corporation. )

Application No. 57083  
(Filed February 15, 1977)

O P I N I O N

By this application, Frank L. Hawkey, an individual (buyer), seeks authority under Sections 854 and 3551 of the Public Utilities Code to control HAWKEY TRANSPORTATION, INC. (HAWKEY), a California corporation.

HAWKEY currently operates under the following certificated and permitted authorities granted by this Commission:

1. As a highway common carrier of general commodities pursuant to a certificate granted to Don H. Hawkey, buyer's father, by Decision 58300 dated April 21, 1959 in Application 40528 and transferred to the corporation by Decision 61799 dated April 11, 1961 in Application 43208.
2. As a highway common carrier of property used in the construction and maintenance of oil, gas or water wells; pipelines and refineries; roads, dams and bridges; and power and compressor plants between points in 30 specified counties in California. This certificate was granted by Decision 77428 dated June 30, 1970 in Application 51895.
3. As a cement carrier under a certificate granted by Resolution 13821 (Sub No. 46) dated June 23, 1964 in Application 46347.
4. As a radial highway common carrier and dump truck carrier under permits issued in file T-70,030.

HAWKEY also operates in interstate and foreign commerce pursuant to authority issued by the Interstate Commerce Commission.

Don H. Hawkey holds all of the outstanding stock of HAWKEY. Pursuant to an agreement (Exhibit "A" of the application) executed December 31, 1975, buyer agreed to purchase all 1,700 shares of the corporation's outstanding stock for the total sum of \$150,000. Along with a promissory note (Exhibit "B") and a security agreement (Exhibit "C"), both executed on August 21, 1976, a stock certificate (Exhibit "D") was also issued transferring all of the stock to the buyer's name. The stock certificate is being retained in escrow pending the Commission's consent to the sale of stock to the buyer and his control of the corporation.

For the past eight years, buyer has actively managed the business of HAWKEY for his father and is thoroughly experienced with all of the operations and business affairs of the corporation. The parties involved now desire that the buyer assume full control of the company through stock ownership.

Applicant requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. A copy of the application was mailed to the California Trucking Association and notice of the filing of the application was made in the Commission's Daily Calendar of February 17, 1977. No protests to the application have been received.

After consideration, the Commission finds that control of Hawkey Transportation, Inc. by Frank L. Hawkey would not be adverse to the public interest.

The Commission concludes that the acquisition of control of Hawkey Transportation, Inc. as requested in the application should be authorized. A public hearing is not necessary. The action taken herein shall not be construed as a finding of value of the capital stock of Hawkey Transportation, Inc.

The Commission also concludes that the effective date of this order should be the date on which it is signed since there is no known opposition and no reason to delay the requested authority.

O R D E R

IT IS ORDERED that:

1. Frank L. Hawkey may control Hawkey Transportation, Inc., a California corporation.

2. Within ninety days after the date hereof, Frank L. Hawkey and Hawkey Transportation, Inc. shall file reports informing the Commission whether or not the change in control authorized herein has been completed.

3. The applicant is granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of APRIL, 1977.

Robert Buchanan  
President  
William J. ...  
Vernon L. ...  
Richard D. ...  
Commissioners