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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of DENNIS ROSS and RICHARD F.)
TRESTER, transferors, and EDDIE)
KLUG and PATRICK R. MCGUIRE,)
transferees, for transfer and)
control of S. ROSS TRUCKING)
COMPANY, INC., a California)
corporation.)

Application No. 57496
(Filed August 3, 1977)

O P I N I O N

By this application, Dennis Ross and Richard F. Trester, (Owners) seek approval, under Section 854 of the Public Utilities Code, to sell all of their capital stock holdings in S. ROSS TRUCKING COMPANY, INC., a California corporation (ROSS), in equal share amounts to Eddie Klug and Patrick R. McGuire (Buyers) who desire to acquire control of ROSS through the purchase of all of said stock.

ROSS currently operates as a highway common carrier of general commodities between points in the San Francisco Territory pursuant to a certificate granted to it by Decision 84377 dated April 29, 1975 in Application 55406. In addition, ROSS also operates under radial highway common carrier and highway contract carrier permits issued by this Commission in File T-109,384.

The two owners of ROSS's stock now hold all of the outstanding shares issued by that corporation, Dennis Ross owning 75 shares and Richard F. Trester the other 25 shares. They have mutually agreed to sell all of their respective shares of stock to Eddie Klug and Patrick R. McGuire in an equal number of shares. Upon approval and consummation of the stock transactions, each of these stock buyers will then own 50 shares of ROSS.

According to the application, the parties involved in these stock transactions have not executed a formal, written agreement for the sale and purchase of the corporation's stock. Rather, the parties have orally agreed that the buyers of the stock pay to the present owners thereof the total sum of \$50,000 for all of their stock ownership in ROSS, as well as their stock ownership in Queen Trucking & Service Company, a radial highway common carrier (File T-78,041), which operating authority is not involved in this application. Of the total purchase price of \$50,000, \$35,000 is payable now in cash, \$7,500 pursuant to a promissory note to be executed by Eddie Klug, and the remaining \$7,500 by a similar note executed by Patrick R. McGuire, which notes are due and payable on or before January 1, 1979. The Commission's records show that Eddie Klug, one of the buyers herein, is also president of Queen Trucking & Service Company.

The application indicates that both of the prospective buyers of the corporation's stock have had extensive experience in the trucking industry, originally as truck drivers and recently in various management positions with a large California certificated highway carrier. As a result of such varied experience, the application points out, both of the prospective stock buyers are thoroughly familiar with the trucking business, including the operation, safety, regulatory and rate aspects thereof.

The applicants assert that no other carrier, to their knowledge, has any interest in this matter, or objection thereto, since the proposed change only involves control of the corporation's stock, and will not affect the competitive position or operation of ROSS. Therefore, applicants request relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of such applications for notification purposes. A copy of the application was mailed by applicants to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of August 4, 1977. No protest to the application has been received.

After consideration, the Commission finds that:

1. Control of S. Ross Trucking Company, Inc. by Eddie Klug and Patrick R. McGuire would not be adverse to the public interest.
2. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.
3. There is no known opposition and there is no reason to delay granting the relief requested.

On the basis of the foregoing findings, the Commission concludes that the application should be granted, and that the effective date of the order should be the date on which it is signed. A public hearing is not necessary. The action taken herein shall not be construed as a finding of the value of the capital stock of S. Ross Trucking Company, Inc.

O R D E R

1. Eddie Klug and Patrick R. McGuire may control S. Ross Trucking Company, Inc., a California corporation.
2. Within ninety days after the effective date hereof, Eddie Klug and Patrick R. McGuire and S. Ross Trucking Company, Inc. shall file reports informing the Commission whether or not the control authorized herein has been completed.
3. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th
day of OCTOBER, 1977.

Robert Bateman

President

William J. Quinn

Verizon L. Sturgeon

Richard D. Givelle

Chas. T. Schriber

Commissioners