

ORIGINAL

Decision No. 88055 NOV 1 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HOMER HARRIS and)	
SAM MILLER for Order Authorizing)	
the Sale and Transfer by SAM MILLER)	
to HOMER HARRIS of Fifty (50) Per)	Application No. 57539
Cent of the Outstanding Capital)	(Filed August 25, 1977)
Stock of DANA POINT MARINE TELEPHONE)	
CO., a California Corporation.)	

O P I N I O N

In this application, Sam Miller seeks authority to sell and transfer and Homer Harris to purchase and acquire control of Dana Point Marine Telephone Co. (Dana Point). Homer Harris will acquire, as a result of the transaction, 500 common shares representing fifty percent of the outstanding capital stock of Dana Point. Commission authorization of the proposed acquisition is required by Section 854 of the Public Utilities Code.

Homer Harris presently owns 500 shares of the common stock of Dana Point. He was authorized to acquire the shares by Decision No. 83493, dated September 24, 1974, in Application No. 54448.

Dana Point provides public utility marine mobile radio service in the coastal waters westward of Dana Point, Oceanside and Newport Beach, California. Exhibit A, attached to the application, shows that for the year 1976, operating revenues amounted to \$1,512 and the net loss from operations amounted to \$618. Exhibit B, attached to the application, shows that for the six months ended June 30, 1977, operating revenues amounted to \$1,617, and the net loss from operations amounted to \$12,915.

The application indicates that Sam Miller is engaged in business enterprises other than public utility radiotelephone service. Due to his other business interests and relatively unsatisfactory physical condition, Sam Miller has been unable to devote time to the management and operation of Dana Point. He is unwilling to advance further capital funds requisite to the improvement and expansion of the services of Dana Point, and therefore desires to sell and relinquish his interest in Dana Point.

The application further indicates that Homer Harris has long been engaged, together with his family, in the ownership, management and operation of public utility radiotelephone enterprises. He has actively participated in the management and operation of Dana Point. He has the financial and technical resources required to improve and expand its services, and is desirous of purchasing and acquiring the interest of Sam Miller in Dana Point.

The applicants allege that the split ownership of Dana Point has as a practical matter impeded its growth and development. The proposed sole ownership of Dana Point should assure its successful development and operation.

Applicants entered into an oral agreement on or about February 28, 1977, whereby Sam Miller, subject to prior approval and authorization of this Commission and the Federal Communications Commission, agreed to sell and transfer his interest in Dana Point to Homer Harris in consideration of the forgiveness and cancellation by Homer Harris of the indebtedness of Sam Miller in the amount of \$12,000, evidenced by promissory notes.

The Communications Division and the Finance Division of the Commission staff have reviewed the proposed transfer of common stock from Sam Miller to Homer Harris and consider the request to be reasonable. There is no known opposition to the transfer as proposed herein.

After consideration the Commission finds that control of Dana Point by Homer Harris through the acquisition of 500 shares of common stock from Sam Miller would not be adverse to the public interest.

On the basis of the foregoing finding, we conclude that the application should be granted. 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 Dana Point.

O R D E R

IT IS ORDERED that Homer Harris may control Dana Point Marine Telephone Co.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 1st day of NOVEMBER, 1977.

Robert Bateman
President
William J. Mason
Susan L. Sturgeon
Richard D. Howell
Clare F. DeRisi
Commissioners