

ORIGINAL

Decision No. 88378 JAN 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of JAMES E. HUNTER, to acquire or)
 control Gilboy, Inc., who operates) Application No. 57567
 as a highway common carrier,) (Filed October 11, 1977)
 pursuant to Section 854 of the)
 Public Utilities Code.)

O P I N I O N

By this application James E. Hunter, an individual (Buyer), seeks authority under Section 854 of the Public Utilities Code to control Gilboy, Inc. (Gilboy), a California corporation.

Gilboy currently operates as a highway common carrier pursuant to a certificate of public convenience and necessity granted by Decision 86946 dated February 8, 1977 in Applications 55950, 56219 and 56670. It also holds a radial highway common carrier permit and a highway contract carrier permit. The highway common carrier certificate authorizes primarily the transportation of motion picture film and motion picture accessories and commodities incidental to the exhibition of motion pictures, in the Los Angeles area.

Buyer has been active in the management of Gilboy for approximately thirty years during which time he assisted his father, the late Edwin Hunter, in the operation of the business. Buyer held 40% of the capital stock of Gilboy in the amount of 3,200 shares. Control of the corporation rested with the said Edwin Hunter in the amount of 4,800 shares or 60%. By the terms of the latter's will the Buyer was bequeathed 1,920 shares of the capital stock of the corporation giving him 5,120 shares or 64% of the total capital stock and, by virtue thereof, control of the corporation. Pursuant to the provisions of a trust set up under the will of the late Edwin Hunter, Buyer purchased from the trustee an additional 320 shares of stock in Gilboy for the sum of \$5,000. Buyer now holds 5,440 shares or 68% of the corporation.

Applicant requests relief from the provision of Rule 21(f) of the Commission's Rules of Practice and Procedure which requires wide dissemination of the application. A copy of the application has been sent to the California Trucking Association and notice of the filing of the application was made in the Commission's Daily Calendar of October 14, 1977. No protests to the application have been received.

After consideration, the Commission finds that control of Gilboy, Inc. by James E. Hunter would not be adverse to the public interest.

The Commission concludes that the acquisition of control of Gilboy, 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 Gilboy, Inc.

The Commission further 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 order.

O R D E R

IT IS ORDERED that:

1. James E. Hunter may control Gilboy, Inc., a California corporation.
2. Within ninety days after the date hereof, James E. Hunter and Gilboy, Inc. shall file reports informing the Commission whether or not the control authorized 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 17th
day of JANUARY, 1978.

William Symons Jr. President
Vernon L. Sturgeon
Robert D. Gault
Clare J. Delich Commissioners

Commissioner Robert Batinovich, being
necessarily absent, did not participate
in the disposition of this proceeding.