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Decision No. 89982 ?

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWARD J. OSTROWSKI)
 and MARIE I. OSTROWSKI for authority)
 to control and for ex parte approval)
 of transfer of One Hundred Percent)
 of the capital stock in GUERIN)
 DRAYAGE CO., INC.)

Application No. 58555
(Filed December 28, 1978)

O P I N I O N

Edward J. Ostrowski and Marie I. Ostrowski seek authority to control Guerin Drayage Co., Inc. (Guerin Drayage) by the purchase of all of the outstanding capital stock of that company.

Guerin Drayage is a California corporation operating as a highway common carrier pursuant to authority granted by Decision No. 81785 dated August 21, 1973 as modified by Decision No. 81887, dated September 14, 1973 in Application No. 53898. The authority includes the transportation of general commodities, with certain exceptions, and covers all points in the San Francisco territory as well as specific points along routes described by the Decision. Guerin Drayage also operates as a public utility warehouseman pursuant to authority granted by Decision No. 78659 dated May 11, 1971 in Application No. 52536. In addition, the company holds operating rights from the Interstate Commerce Commission.

For the year 1977, Guerin Drayage reported total operating revenues of \$132,370 and net income of \$1,037. Total assets as of December 31, 1977 amounted to \$117,471; stockholders equity was negative at \$(2,914).

All of the 1,500 issued and outstanding shares of capital stock of Guerin Drayage are held by John T. Guerin and Barbara A. Guerin as joint tenants with right of survivorship. Pursuant to the terms of an agreement dated November 14, 1978, a copy of which is attached to the application as Exhibit C, between the Guerins as sellers and the applicants as buyers, sellers have agreed to transfer the entire issued and outstanding capital stock of Guerin Drayage. The agreed purchase price for the shares is \$75,000, to be paid in 36 monthly installments with interest at the rate of six percent per annum. Security will be provided by a deed of trust on the buyers' residence. The applicants have provided the staff with a financial statement dated January 8, 1979 which indicates that their financial position is sound.

Edward J. Ostrowski has been engaged in the for-hire motor carrier transportation business in California for over 20 years. He is presently a national account executive for a domestic freight forwarder. No major changes in the operations of Guerin Drayage are contemplated as a result of the proposed change in ownership.

A copy of the application has been served upon the California Trucking Association. The applicants request a waiver from Rule 21(f) of the Commission's Rules of Practice and Procedure, so that other carriers need not be served. As no new certificate is being requested, Rule 21(f) is not applicable and no waiver is required.

The Transportation Division has reviewed this matter, and agrees with the Finance Division that the applicants' request is reasonable. No protest to the application has been received.

After consideration the Commission finds that the proposed transfer of control would not be adverse to the public interest, and concludes 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 Guerin Drayage.

O R D E R


IT IS ORDERED that Edward J. Ostrowski and Marie I. Ostrowski may acquire control of Guerin Drayage Company, Inc.

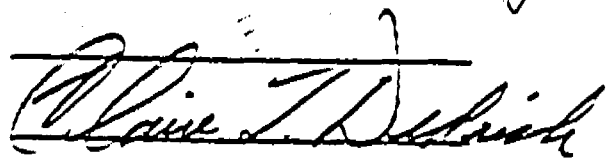
The effective date of this order shall be 30 days from the date hereof.

Dated at San Francisco, California, this 16th day of FEBRUARY, 1979.

Commissioner Richard D. Travelle, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.


PRESIDENT



COMMISSIONERS