

ORIGINAL

Decision No. 90073 MAR 13 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| In the Matter of the Application) | |
| of NYLE HENDERSON and DIANE) | |
| HENDERSON for Change of Control) | Application No. 58500 |
| of CUSTOMER TRUCK SERVICE, a) | (Filed December 1, 1978) |
| California corporation, Certified) | |
| Cement Carrier.) | |

O P I N I O N

By this application, Nyle Henderson and Diane Henderson, husband and wife, seek authority to control Customer Truck Service, a California corporation, pursuant to Sections 854 and 3551 of the Public Utilities Code. The control will be accomplished by purchase of all the 310 issued and outstanding shares of stock of the corporation from Hazel Erbe, Clay Wingfield, Charles McPherson and Dorothy McPherson.

Customer Truck Service is the holder of a cement carrier certificate of public convenience and necessity authorizing operations to and within the Counties of Alameda, Butte, Del Norte, Humboldt, Mendocino, Napa, Sacramento, San Francisco, San Mateo, Santa Cruz, Shasta, Solano, Sonoma, Tehama and Trinity. The certificate was granted by Resolution 13825, Sub 33, dated June 23, 1964 and the carrier also holds highway carrier permit authority issued by this Commission and a certificate of public convenience and necessity for the transportation of cement issued by the Interstate Commerce Commission in Docket No. MC 126594 Sub 3.

Pursuant to the agreement of January 12, 1978 between the parties, as attached to the application, the purchase price for the stock is \$155,000, of which \$15,000 is to be paid upon consummation of the sale and the balance is to be paid with interest at nine and one-half percent (9½%) per annum over a period of 180 consecutive monthly installments thereafter.

The outstanding debt is to be evidenced by a promissory note and secured by a security agreement covering various assets, including the stock held by the purchasers.

Applicants request 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. Notice of the filing of the application appeared in the Commission's Daily Calendar of December 6, 1978. No protests to the application have been received.

After consideration, the Commission finds that control of Customer Truck Service by Nyle Henderson and Diane Henderson would not be adverse to the public interest.

The Commission concludes that the acquisition of control of Customer Truck Service 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 Customer Truck Service.

O R D E R

IT IS ORDERED that:

1. Nyle Henderson and Diane Henderson may control Customer Truck Service, a California corporation.
2. Within ninety days after the date hereof, Nyle Henderson, Diane Henderson and Customer Truck Service shall file reports informing the Commission whether or not the change in 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.

A. 58500 - avm

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 13th day of MARCH, 1979.

John E. Guyon
President
Herbert L. Sturgeon
Richard D. Howell
Clair T. DeWitt
Thomas W. Pennington
Commissioners