

ORIGINAL

Decision No. 90233 MAY 8 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Cecil D. Gaither)
and Naomi Sue Kirby for autho-)
rization to acquire the 150)
shares of stock of Barnett Truck-)
ing, Inc., a California corpo-)
ration, the owner of Petroleum)
Irregular Certificate of Public)
Convenience and Necessity under)
Decision No. 82088.)

Application No. 58511
(Filed December 4, 1978)

O P I N I O N

By this application Cecil D. Gaither and Naomi Sue Kirby, individuals, seek approval to acquire control of Barnett Trucking, Inc., a California corporation, which holds a petroleum irregular route certificate of public convenience and necessity, and a highway carrier permit by purchase of 150 shares of the corporation's issued and outstanding stock.

The certificate was granted by Decision 82088, dated November 7, 1973, in Application 54291 and authorize^d transportation of petroleum and petroleum products in bulk in tank trucks and tank trailers between points located within a radius of twenty air miles from the city limits of Fillmore including points within said city.

The application indicates that there are presently three hundred (300) shares of the corporation stock presently issued and outstanding and held as follows:

<u>Stockholder</u>	<u>Shares</u>
Vincent Belloumini	150
J. B. Cantrell	150

The applicants herein each propose to purchase seventy five shares of the stock held by Vincent Belloumini ~~which would cause J. B. Cantrell to hold the majority of the stock and control of the corporation.~~

Sections 854 and 3551 of the Public Utilities Code provide that no person or corporation shall acquire or control a public utility or a highway carrier until such action is approved by the Commission. The transactions proposed herein would not result in acquisition or a shift in the control of the corporation to the proposed stock purchasers as separate individuals and therefore the approval of the Commission is not required.

The Commission finds that the transfer of the common stock held by Vincent Belloumini in the amount of 75 shares each to Cecil D. Gaither and Naomi Sue Kirby would not result in the acquisition or control of Barnett Trucking, Inc., a corporation, by either of such parties. The Commission concludes that such transaction is not subject to its approval pursuant to Sections 854 and 3551 of the Public Utilities Code and that the application should be dismissed.

O R D E R

IT IS ORDERED that:

Application 58511 is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th

day of MAY 4, 1979.

John E. Boyson
President
Veron L. Steyer

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

Richard D. Gravelle
Donald W. Jones
Commissioners