

Decision 93826 DEC - 1 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
for an order approving transfer)
of control of ORCAL TRANSPORT)
SERVICES, INCORPORATED, a)
Highway Common and Contract)
Carrier, from Ward Roberts to)
Riley Whittle, Inc., a Kentucky)
corporation.)

Application 60858
(Filed August 31, 1981)

O P I N I O N

Orcal Transportation Services, Incorporated (Orcal) holds a certificate of public convenience and necessity issued under Public Utilities (PU) Code § 1063.5 in GC 4979. It also holds a contract carrier permit. All of its common stock is now held by Ward Roberts. Roberts has contracted to sell this stock to Riley Whittle, Inc. (Whittle), a corporation, for \$100. Roberts and Whittle have applied for Commission authorization for the transfer of control as required by PU Code § 854.

Roberts has become physically disabled and can no longer manage the operation. Orcal has accumulated a large deficit; unless some means is found to provide effective management and substantial funds to meet past-due obligations, Orcal would have to be liquidated. Whittle can supply both. If the transaction is completed, Roberts will be relieved of any personal obligation for the corporate debts. He will also be employed as a consultant by the new management, and consequently he will be able to enjoy employee medical and other benefits. An amendment to the application alleges that Orcal has operated in every county in the State.

It is concluded that the number and size of claims against Orcal's assets makes it urgent that the additional funds be supplied to Orcal in calendar year 1981.

A copy of the application has been served on California Trucking Association. Notice of the application appeared on the Commission's Daily Calendar of September 3, 1981. No protests have been received.

Findings of Fact

1. The proposed transfer of control is not adverse to the public interest.
2. Orcal's scope of operations included the entire State of California.
3. Whittle has the finances and managerial skills to turn Orcal into a viable carrier.
4. No protests have been received.
5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusions of Law

1. A public hearing is not necessary.
2. The application should be granted.
3. No reduction in the scope of Orcal's operating authority is necessary.
4. The public convenience and necessity require that the transaction should be consummated as soon as possible.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

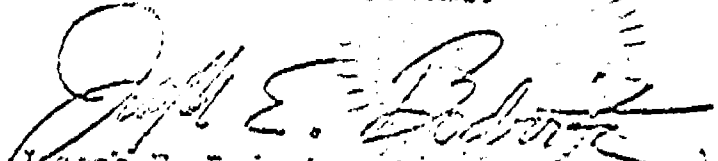
IT IS ORDERED that on or before July 1, 1982, Riley Whittle, Inc. may acquire a controlling interest in Orcal Transport Services, Incorporated by purchasing its stock.

This order is effective today.

Dated DEC 1 1981, at San Francisco, California.

JOHN A. JOHNSON
President
FRANCOIS W. GRAVELLE
JAMES W. GREENE, JR.
VANCE L. GUNO
MARGARET A. GUNO
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS, TODAY.


Joseph E. Bodovitz, Executive Director