

1507 - 21st Street, Suite 330  
Sacramento, California 95814  
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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of	)	
LLOYD A WISE, INC.,	)	Protest No. PR-361-81
	)	
Protestant,	)	
	)	
vs.	)	
	)	
GMC TRUCK AND COACH DIVISION	)	
OF GENERAL MOTORS CORPORATION,	)	
	)	
Respondent.	)	

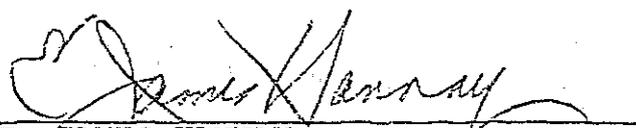
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DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the New Motor Vehicle Board as its Decision in the above-entitled matter.

This Decision shall become effective forthwith.

IT IS SO ORDERED this 25 th day of October, 1982.

  
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E. JAMES HANNAY  
President  
New Motor Vehicle Board

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 GMC TRUCK AND COACH DIVISION OF )  
 GENERAL MOTORS CORPORATION, )  
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 Respondent. )  
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PROTEST NO. PR-361-81

PROPOSED DECISION

PROCEDURAL BACKGROUND

1. The protestant is Lloyd A. Wise, Inc. (Wise), 10440 East 14th Street, Oakland, California. The respondent is GMC Truck and Coach Division of General Motors Corporation (GMC).

2. By letter dated December 8, 1981, GMC gave notice to the protestant, Wise, and DiGiulio Pontiac-GMC, Inc. (DiGiulio) of GMC's intention to establish a light truck dealer at 21944 Mission Boulevard, Hayward, California.

3. Notice was received by the New Motor Vehicle Board (Board), on December 10, 1981 and a protest was filed by Wise on December 24, 1981. The protest was filed pursuant to

Vehicle Code Section 3062<sup>1/</sup>, alleging there was good cause for not entering into an additional franchise.

4. A hearing was held before Geoffrey N. Carter, Administrative Law Judge of the Board, on April 5-9, 12-15, 19-23, and 26-29, 1982.

5. The protestant was represented by Michael S. Klein of Loubé, Lewis, Lowen & Albers, 1433 Webster Street, Oakland, California. The respondent was represented by Diane L. Kaye, Office of the General Counsel, General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan.

PRELIMINARY ISSUE

6. Whether GMC breached Paragraph "I" of its Dealer Sales and Service Agreement (Agreement) with Wise, dated November 1, 1980.

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<sup>1/</sup> All references are to the California Vehicle Code unless otherwise indicated.

FACTS RELATING TO WHETHER GMC BREACHED ITS DEALER  
SALES AND SERVICE AGREEMENT

7. By letter dated December 8, 1981, GMC notified Wise that GMC planned to "...re-establish representation at Bridges Pontiac, Inc., 21944 Mission Boulevard, Hayward..."

8. Paragraph "I" of GMC's Agreement with Wise provides:

I. Establishment of Additional Dealers

Division reserves the right to appoint additional Motor Vehicle Dealers. This right will not be exercised without making a survey of marketing factors in the area of a possible new dealership location.

Division will notify Dealer when it undertakes a survey which may result in the addition of a new Motor Vehicle Dealer within Dealer's Area of Primary Responsibility and will give Dealer an opportunity to present information relevant to the survey. If Division tentatively decides that the results of a survey warrant establishing an additional dealer in such area, Division will advise Dealer in writing

and give Dealer thirty days to present further relevant information before a final decision is made.

9. The Agreement contemplates a market survey only when GMC is seeking to establish an additional dealer within Wise's Area of Primary Responsibility (APR)<sup>2/</sup>.

10. GMC has had continuous representation in Hayward since the early 1940's. Collins GMC (Collins) operated in Hayward from 1956 until November 6, 1980, when it voluntarily terminated its franchise.

11. In the summer of 1980, GMC became aware that Collins intended to terminate its operation in Hayward and actively sought a replacement dealer for the Hayward location.

12. Pursuant to its intention to re-establish representation in Hayward, GMC conducted a statistical analysis.

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<sup>2/</sup> Wise's Area of Primary Responsibility includes the following communities: in Contra Costa County the communities are Alamo, Canyon, Clayton, Concord, Crockett, Danville, Diablo, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pinole, Pleasant Hill, Port Costa, Rheem Valley, Richmond, Rodeo, San Pablo, San Ramon, and Walnut Creek; in Alameda County the communities are Oakland, Alameda, Albany, Berkeley, Castro Valley, Emeryville, Fremont, Hayward, Mount Eden, Newark, San Leandro, San Lorenzo, and Union City.

13. Eight GMC dealers operated within Wise's APR in the fall of 1980, including Wise. Collins terminated its GMC operation in Hayward on November 6, 1980, and Doten Pontiac GMC in Oakland terminated in the fall of 1981. Should the proposed dealer be established, a total of seven GMC dealers will operate within Wise's APR.

DETERMINATION OF PRELIMINARY ISSUE

14. The proposed action of establishing the franchise in Hayward is not an establishment of an additional Motor Vehicle Dealer within the meaning of Paragraph "I" of the Agreement. The proposed action is the re-establishment of representation in a location where GMC previously had a dealership.

15. Although the proposed action is not an establishment within the terms of the Agreement, it is an establishment within the provisions of Vehicle Code Section 3062, and will hereafter be referred to as an establishment for purposes of Section 3062.

16. The protestant has failed to prove that GMC breached its Agreement with Wise.

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ISSUES PRESENTED

17. The protestant contends that there is good cause for not allowing the establishment of the additional GMC franchise in Hayward for the following reasons:

- a) The protestant's investments are permanent and will be adversely affected by establishment of the additional dealership; [§ 3063(1)]
- b) There will be an adverse effect on the retail motor vehicle business and the consuming public in the relevant market area; [§ 3063(2)]
- c) Establishment of the additional dealership will be injurious to the public welfare; [§ 3063(3)]
- d) The current GMC franchisees in the relevant market area are providing adequate competition and convenient consumer care for the owners of GMC motor vehicles in the market area, including adequate motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel; [§ 3063(4)] and
- e) Establishment of the additional dealership would not increase competition and therefore would not be in the public interest. [§ 3063(5)]

FACTS RELATING TO THE PERMANENCY OF INVESTMENT  
[\$ 3063(1)]

18. Anthony A. Batarse (Batarse) has been the sole owner and dealer operator of Wise since 1976. He was initially involved in the automobile business as a teenager in El Salvador, where his father operated the distributorship for the Ford Motor Company. Batarse was hired at Wise in 1972 as a sales manager, and was appointed general manager, corporate vice president and director in 1973.

19. Wise is currently a multiple-line dealership which sells GMC light-duty trucks, Oldsmobiles and Hondas. The Honda portion of the dealership is located across the street from Wise's dual GMC-Oldsmobile sales and service facilities.

20. Wise was originally owned and operated by Lloyd A. Wise until his death in 1975. In 1976, Batarse borrowed \$125,000 from the Bank of America on a five-year note, and purchased the stock of the corporation from Mr. Wise's estate at a cost of \$331,000. The loan has been repaid in full.

21. In 1976, Batarse purchased the land on which the GMC/Oldsmobile facility is currently situated, at a cost of approximately \$750,000. Batarse's payments on the real property amount to \$5,600 per month.

22. In 1978, Batarse purchased two acres of land next to the dealership from GMC at a cost of \$50,000.<sup>3/</sup>

23. Batarse purchased a display lot adjacent to the main building in 1979 at a cost of approximately \$60,000.

24. Since purchasing Wise in 1976, Batarse has spent approximately \$250,000 on improvements to the facilities, including black-topping the outdoor lot, remodeling the service area, and building ten additional service stalls.

25. The proposed dealer principal is Arthur Bridges (Bridges). Bridges has been a Pontiac dealer since 1966, and currently operates Bridges Pontiac in Hayward and King Arthur Toyota in Fremont. Bridges intends to operate the proposed GMC franchise at the site of the former Hayward Datsun facility. The distance between Wise and the proposed location is approximately 5.9 miles in a straight line.

26. The location of the proposed dealership is across the street from the former Hayward GMC dealership (Collins).

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<sup>3/</sup> In 1978, in exchange for Wise's consent to establish the Hegenberger GMC Truck Center approximately 1.7 miles from Wise, GMC paid Wise approximately \$17,000; sold Wise two acres of land valued at \$250,000, at a cost of \$50,000; and allocated Wise an additional 100 light-duty trucks.

27. The following chart indicates Wise's 1979 sales and service volume; percentages of gross sales; sales and service gross profit; and percentages of gross profit:

CALENDAR YEAR 1979

	<u>Units</u>	<u>Sales</u>	<u>%</u>	<u>Gross Profit</u>	<u>%</u>
<u>New</u>					
Oldsmobiles	1,176	\$ 9,865,901	59.6	\$1,278,948	53.6
Honda	966	5,762,648	34.8	1,010,809	42.3
GMC Truck	135	928,712	5.6	98,043	4.1
Totals	<u>2,277</u>	<u>\$16,557,261</u>	<u>100.0</u>	<u>\$2,387,800</u>	<u>100.0</u>
<u>Used</u>					
Cars	604	\$ 2,040,095		\$ 395,540	100.0
Trucks					
Totals	<u>604</u>	<u>\$ 2,040,095</u>		<u>\$ 395,540</u>	<u>100.0</u>
<u>Service Department</u>					
Mechanical	<u># R.O.'s</u>				
Customer					
Labor-Cars	4,846	\$ 292,153	64.4	\$ 203,225	85.0
Customer P&A-Cars <sup>4/</sup>		153,673	33.9	31,690	13.3
Customer					
Labor-Truck	125	5,174	1.1	3,361	1.4
Customer P&A-Trucks		2,506	.6	781	.3
Sub Total		<u>\$ 453,506</u>	<u>100.0</u>	<u>\$ 239,057</u>	<u>100.0</u>
<u>Body Shop</u>					
Customer					
Labor-Cars	497	\$ 171,348	57.2	\$ 96,689	80.4
Customer P&A-Cars		120,390	40.2	19,547	16.3
Customer Labor-Trucks	19	6,065	2.0	3,707	3.1
Customer P&A-Trucks		1,983	.6	265	.2
Sub Total		<u>\$ 299,786</u>	<u>100.0</u>	<u>\$ 120,208</u>	<u>100.0</u>

Dealership Net Profit Before Bonus and Taxes

\$810,083

<sup>4/</sup> Customer Parts and Accessories (P & A).

28. The following chart indicates Wise's 1980 sales and service volume; percentages of gross sales; sales and service gross profit; and percentages of gross profit:

CALENDAR YEAR 1980

	<u>Units</u>	<u>Sales</u>	<u>%</u>	<u>Gross Profit</u>	<u>%</u>
<u>New</u>					
Oldsmobiles	796	\$ 7,075,466	42.1	\$ 667,988	28.9
Honda	1,398	9,192,810	54.7	1,585,281	68.5
GMC Truck	67	529,550	3.2	59,984	2.6
Totals	<u>2,261</u>	<u>\$16,797,826</u>	100.0	<u>\$2,313,253</u>	100.0
<u>Used</u>					
Cars	720	\$ 2,194,165	96.2	\$ 357,235	96.8
Trucks	25	86,127	3.8	11,766	3.2
Totals	<u>745</u>	<u>\$ 2,280,292</u>	100.0	<u>\$ 369,001</u>	100.0
<u>Service Department</u>					
Mechanical	<u># R.O.'s</u>				
Customer					
Labor-Cars	4,938	\$ 313,086	64.1	\$ 218,932	81.7
Customer P&A-Cars		168,202	34.4	45,180	16.9
Customer					
Labor-Truck	45	4,714	1.0	3,272	1.2
Customer P&A-Trucks		2,327	.5	558	.2
Sub Total		<u>\$ 488,329</u>	100.0	<u>\$ 267,942</u>	100.0
<u>Body Shop</u>					
Customer					
Labor-Cars	490	\$ 174,655	58.6	\$ 107,908	85.2
Customer P&A-Cars		121,001	40.6	17,820	14.1
Customer Labor-Trucks	6	1,370	.4	806	.6
Customer P&A-Trucks		1,248	.4	183	.1
Sub Total		<u>\$ 298,274</u>	100.0	<u>\$ 126,717</u>	100.0

Dealership Net Profit Before Bonus and Taxes

\$487,154

29. The following chart indicates Wise's 1981 sales and service volume; percentages of gross sales; sales and service gross profit; and percentages of gross profit:

CALENDAR YEAR 1981

	<u>Units</u>	<u>Sales</u>	<u>%</u>	<u>Gross Profit</u>	<u>%</u>
<u>New</u>					
Oldsmobiles	593	\$ 6,057,950	41.0	\$ 490,403	30.2
Honda	1,125	8,326,380	56.4	1,102,740	67.8
GMC Truck	40	385,215	2.6	32,591	2.0
Totals	<u>1,758</u>	<u>\$14,769,545</u>	<u>100.0</u>	<u>\$1,625,734</u>	<u>100.0</u>
<u>Used</u>					
Cars	677	\$ 2,185,896	96.1	\$ 237,274	95.9
Trucks	21	88,257	3.9	10,244	4.1
Totals	<u>698</u>	<u>\$ 2,274,153</u>	<u>100.0</u>	<u>\$ 247,518</u>	<u>100.0</u>
<u>Service Department</u>					
Mechanical	<u># R.O.'s</u>				
Customer					
Labor-Cars	5,746	\$ 462,925	63.8	\$ 323,303	84.3
Customer P&A-Cars		260,074	35.8	58,544	15.3
Customer					
Labor-Truck	26	2,174	.3	1,279	.3
Customer P&A-Trucks		855	.1	186	.1
Sub Total		<u>\$ 726,028</u>	<u>100.0</u>	<u>\$ 383,312</u>	<u>100.0</u>
<u>Body Shop</u>					
Customer					
Labor-Cars	20	\$ 22,668	51.2	\$ 12,065	73.0
Customer P&A-Cars		21,565	48.8	4,453	27.0
Customer Labor-Trucks					
Customer P&A-Trucks					
Sub Total		<u>\$ 44,233</u>	<u>100.0</u>	<u>\$ 16,518</u>	<u>100.0</u>

Dealership Net Profit Before Bonus and Taxes

\$30,608

30. The following chart indicates Wise's January and February 1982 sales and service volume; percentages of gross sales; sales and service gross profit; and percentages of gross profit:

<u>January - February 1982</u>					
	<u>Units</u>	<u>Sales</u>	<u>%</u>	<u>Gross Profit</u>	<u>%</u>
<u>New</u>					
Oldsmobiles	101	\$1,141,945	43.5	\$ 72,756	28.3
Honda	171	1,446,225	55.0	180,740	70.4
GMC Truck	6	39,707	1.5	3,220	1.3
Totals	<u>278</u>	<u>\$2,627,877</u>	<u>100.0</u>	<u>\$256,716</u>	<u>100.0</u>
<u>Used</u>					
Cars	133	\$ 489,237	92.0	\$ 60,861	89.2
Trucks	7	42,379	8.0	7,350	10.8
Totals	<u>140</u>	<u>\$ 531,616</u>	<u>100.0</u>	<u>\$ 68,211</u>	<u>100.0</u>
<u>Service Department</u>					
Mechanical	<u># R.O.'s</u>				
Customer					
Labor-Cars	845	\$ 76,567	62.2	\$52,961	82.7
Customer P&A-Cars		45,320	36.8	10,537	16.5
Customer					
Labor-Truck	11	706	.6	475	.7
Customer P&A-Trucks		562	.4	93	.1
Sub Total	<u>856</u>	<u>\$123,155</u>	<u>100.0</u>	<u>\$64,066</u>	<u>100.0</u>
<u>Body Shop<sup>5/</sup></u>					
Customer					
Labor-Cars					
Customer P&A-Cars					
Customer Labor-Trucks					
Customer P&A-Trucks					

Dealership Net Profit Before Bonus and Taxes

\$43,755

5/ Wise closed its body shop in late 1981.

FACTS RELATING TO THE EFFECT ON THE RETAIL MOTOR VEHICLE  
BUSINESS AND THE CONSUMING PUBLIC IN THE RELEVANT  
MARKET AREA [§ 3063(2)]

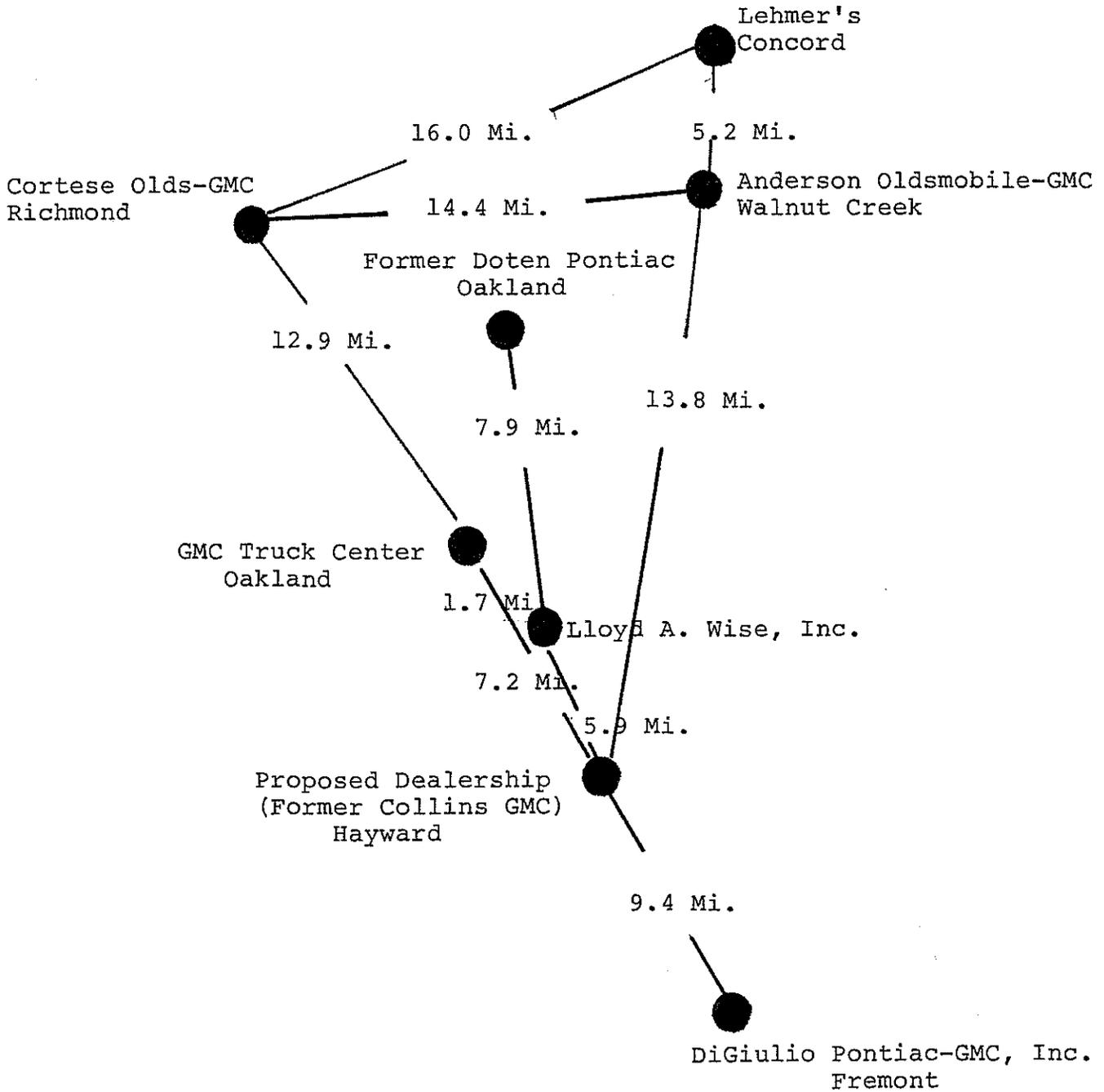
31. GMC executed its Agreement with Wise on November 1, 1980. At that time, there were eight GMC dealers operating within Wise's APR. Collins terminated on November 6, 1980, and Doten Pontiac in Oakland terminated in the fall of 1981.

32. Should the proposed dealer be established, there will still be one less GMC dealer in Wise's APR than existed in the fall of 1980.

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33. The following chart illustrates straight line distances between the dealers in that area designated by GMC as its Section II San Francisco/Oakland Multiple Dealer Area (MDA):



FACTS PERTAINING TO WHETHER THE ESTABLISHMENT OF THE  
PROPOSED FRANCHISE IN HAYWARD WOULD BE INJURIOUS  
TO THE PUBLIC WELFARE [§ 3063(3)]

34. No evidence was presented which would show that establishment of the additional dealership would be injurious to the public welfare.

35. Bridges, the proposed dealer principal, has been involved in the automobile business since 1947, and has operated Bridges Pontiac in Hayward, since 1966.

36. Bridges plans to hire three GMC truck sales representatives, and approximately six service technicians.

37. The sales department at the proposed dealership will be open five days a week from 9 a.m. to 8 p.m. The service department will be open Monday through Friday from 8 a.m. to 5 p.m.

38. Bridges intends to conduct a customer satisfaction program, in which an employee of the service department will follow up on retail customer transactions, and insure that repairs were performed to the customer's satisfaction.

FACTS PERTAINING TO WHETHER THE CURRENT GMC FRANCHISEES IN  
THE RELEVANT MARKET AREA ARE PROVIDING ADEQUATE COMPETITION  
AND CONVENIENT CONSUMER CARE FOR THE OWNERS OF GMC  
TRUCKS IN THE MARKET AREA, INCLUDING ADEQUATE MOTOR  
VEHICLE SALES AND SERVICE FACILITIES, EQUIPMENT,  
SUPPLY OF VEHICLE PARTS AND QUALIFIED  
SERVICE PERSONNEL [§ 3063(4)]

39. Wise is a dual Oldsmobile and GMC franchisee. Oldsmobile is the division of General Motors Corporation (GM) responsible for administering the provisions of the Dealer Agreement.

40. Pursuant to the Agreement, GM establishes facilities requirements for each of its dealers, termed "recommended space guides". The recommended guides are based upon the dealer's assigned planning potential.<sup>6/</sup> Planning potentials are assigned to dealers to determine franchise requirements for capital, facilities, stock, and personnel.

41. Wise has 15 productive mechanical service stalls, which is seven short of the GM requirement of 22. The proposed dealership would have 11 productive mechanical service stalls, which is three in excess of the GM requirement of eight.

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<sup>6/</sup> A Planning Potential is GM's projection of new unit sales for each dealer, based upon an analysis of the dealers' average annual car and truck registrations, and average zone penetration during the previous five years of operation.

42. Wise employs 11 service technicians who specialize in GM products. The dealership also employs two service advisors, a warranty clerk, a cashier, and a service manager for its Oldsmobile-GMC operation. The service technicians, service advisors, warranty clerk and service manager dedicate approximately 10 to 15% of their time servicing GMC trucks, as opposed to Oldsmobiles.

43. Wise employs 16 sales representatives, two of whom dedicate approximately 25% of their time to GMC truck sales. The remaining 14 sales representatives spend approximately 5% of their time selling GMC trucks. Other sales efforts are directed to selling Hondas and Oldsmobiles.

44. Wise currently spends approximately \$7,000 per month advertising its Oldsmobile and GMC products, and approximately \$9,000 - \$10,000 for Honda products.

45. Wise's total parts inventory in 1981 amounted to \$90,065.

46. Wise has 11 factory-trained GM (Oldsmobile and GMC) service technicians. In 1981, Wise spent \$10,000 to provide them with special training.

47. Wise's Oldsmobile-GMC showroom has a display capacity of 12 vehicles, two of which are usually GMC trucks.

48. The following indicates the number of truck and car customer repair orders performed by Wise, and the dollar volume and gross profit, for the time periods shown:

	Truck RO's Number	Car RO's (Olds & Honda) Number	Truck RO's Sales	Car RO's Sales	Truck RO's Gross Profit	Car RO's Gross Profit
1979	125	4846	\$5174	\$292,153	\$3361	\$203,225
1980	45	4938	4714	313,086	3272	218,932
1981	26	5746	2174	462,925	1279	323,303
1982 Jan-Feb	11	845	706	76,567	475	52,961

FACTS PERTAINING TO WHETHER THE ESTABLISHMENT OF A GMC TRUCK  
DEALER IN HAYWARD WOULD INCREASE COMPETITION AND  
THEREFORE BE IN THE PUBLIC INTEREST [§ 3063(5)]

49. GMC assigns each of its dealers an Area of Geographical Sales and Service Advantage (AGSSA). An AGSSA is a geographical area in which GMC determines each of its dealers might reasonably be expected to conduct their greatest amount of business, based solely on the dealership's location.

50. The following chart indicates the extent of cross-selling<sup>7/</sup> by Wise in the MDA during the 12-month period ending September 1981, for the AGSSAs indicated.

<u>AGSSA</u>	<u>Total GMCs Registered in AGSSA</u>	<u>GMC Units Sold By Wise and Registered in AGSSA</u>	<u>Wise's Percent of Total Registrations</u>
# 8 GMC Truck Center Oakland	43	3	7%
# 9 Former Doten Pontiac Location Oakland	35	3	8.6%
#10 Cortese Oldsmobile Richmond	42	1	2.4%
#11 Lehmer's Concord	94	1	1.1%
#12 Anderson Oldsmobile Walnut Creek	41	0	0
#13 Former Collins GMC (Proposed Location) Hayward	73	9	12.3%
#14 Wise Oakland	19	9	47.4%
#15 DiGiulio Fremont	<u>67</u>	<u>2</u>	<u>3%</u>
Total	414	28	6.8%

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<sup>7/</sup> Cross-selling occurs when a dealer sells vehicles which are registered into an AGSSA other than its assigned AGSSA.

51. GMC's penetration of the light truck market in Wise's AGSSA (#14) during model year 1981 was 4.0%, as compared to the MDA penetration of 4.8%, the Oakland zone<sup>8/</sup> (zone) penetration of 5.1% and national penetration of 6.7%.

52. The following chart indicates GMC's penetration of the light truck market in the Hayward AGSSA and the MDA:

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>Oct. 80 - Sept. 81</u>
Hayward	8.7%	8.4%	8.2%	5.0%	3.5%
MDA	7.8%	7.3%	8.7%	5.6%	4.8%

53. During model year 1981, when GMC did not have representation in the Hayward AGSSA, GMC penetration dropped to 3.5%, which was below the MDA penetration of 4.8%, the zone penetration of 5.1%, and national penetration of 6.7%.

54. The following chart indicates Collins' sales of GMC light trucks for the years indicated:

1977	369
1978	455
1979	367
1980	151 <sup>9/</sup>

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<sup>8/</sup> There are 95 GMC dealerships located within the Oakland Zone.

<sup>9/</sup> Represents sales for the first ten months of 1980.

55. During the first ten months of calendar year 1980, Collins sold five trucks which were registered in Wise's AGSSA (#14). During the full calendar year 1980, Wise sold 11 trucks which were registered in Collins' AGSSA (#13). In 1981, when GMC did not have representation in Hayward, Wise sold nine trucks which were registered in the Hayward AGSSA (#13).

56. For the first quarter of 1982, GMC has experienced a sales increase nationally of approximately 37%, as compared to 1981, while GMC truck sales in the MDA have increased approximately 32%.

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DETERMINATION OF ISSUES

58. The protestant has failed to prove that there is good cause for not establishing the GMC franchise in Hayward, in that:

- a) The protestant proved that its investment is permanent, but has failed to prove that its investment will be adversely affected by the establishment; [§ 3063(1)]
  
- b) The protestant has failed to prove that the establishment will have an adverse effect on the retail motor vehicle business and the consuming public in the relevant market area; [§ 3063(2)]
  
- c) The protestant has failed to prove that the establishment will be injurious to the public welfare; [§ 3063(3)]
  
- d) The protestant has failed to prove that there is adequate competition and convenient consumer care for the owners of GMC light-duty trucks in the market area, including adequate motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel; [§ 3063(4) and

- e) The protestant has failed to prove that the establishment would not increase competition, and failed to prove that the establishment would not be in the public interest. [§ 3063(5)]

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The following proposed decision is respectfully submitted;

The protest is overruled. GMC is permitted to establish Art Bridges Pontiac-GMC as an additional franchise.

I hereby submit the foregoing which constitutes my proposed decision in the above-entitled matter, as a result of a hearing held before me on the above dates and recommend its adoption as the decision of the New Motor Vehicle Board.

DATED: October 15, 1982

  
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GEOFFREY N. CARTER  
Administrative Law Judge  
New Motor Vehicle Board