



Since 1935 transportation has been performed within the territory requested herein. As a result of customer demands between the points and over the routes herein involved, applicants allege that the service has now been expanded to approach the scope that requires a certificate as a common carrier.

Applicants also request authority to continue to conduct their long-established service for the transportation of nuts, in bulk, under rail bills of lading.

Upon consideration, the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel, and financial resources to institute and maintain the proposed service.

2. Public convenience and necessity require that applicants be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicants be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by the order herein.

3. Public hearing is not necessary.

4. A grant of this application will not have any significant effect on the environment and therefore does not require an Environmental Impact Report nor payment of any fee in connection therewith.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Applicants are placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Ralph Panella, Robert A. Panella, and Eugene J. Panella, doing business as Ralph Panella Trucking, authorizing them to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points particularly set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date hereof, applicants shall establish the service herein authorized and file tariffs in triplicate in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.
- (e) Applicants shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission.

and shall file with the Commission, on or before March 31 of each year, an annual report of their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.


- (f) Applicants shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicants elect not to transport collect on delivery shipments, they shall make the appropriate tariff filings as required by the General Order.

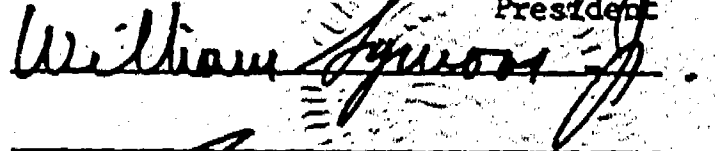
The effective date of this order shall be twenty days after the date hereof.



Dated at San Francisco, California, this 19<sup>th</sup> day of JUNE, 1973.

I dissent.

, Commissioner

  
President

  
Commissioner

  
  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Ralph Panella, Robert A. Panella  
and Eugene J. Panella  
(partners)  
doing business as  
RALPH PANELLA TRUCKING

Ralph Panella, Robert A. Panella and Eugene J. Panella, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of:

- A. Nuts, in bulk, transported under rail bills of lading or substituted rail service to points in San Joaquin, Stanislaus, Sutter and Tulare Counties, from points in the following counties:

Butte	San Luis Obispo
Colusa	Santa Barbara
Contra Costa	Santa Clara
Glenn	Shasta
Kern	Solano
Lake	Stanislaus
Los Angeles	Sutter
Merced	Tehama
Monterey	Tulare
Napa	Yolo
San Benito	Yuba
San Joaquin	

- B. Food, foodstuffs, cans, boxes, bins, pallets and fiberboard boxes between points in Merced, Stanislaus and San Joaquin Counties.

In performing the service herein authorized, applicants may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of this service.

Issued by California Public Utilities Commission.

Decision No. 81492, Application No. 53912.