

ORIGINAL

Decision No. 83326

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of RALPH PANELLA, ROBERT A. PANELLA,
and EUGENE J. PANELLA, partners
doing business as RALPH PANELLA
TRUCKING, for a certificate of
public convenience and necessity
authorizing the transportation, as
a highway common carrier, of
specified commodities between
various points in California.

Application No. 54965
(Filed June 13, 1974)

O P I N I O N

Ralph Panella, Robert A. Panella, and Eugene J. Panella, partners doing business as Ralph Panella Trucking, presently providing service as a highway common carrier for the transportation of shipments of food, foodstuff, cans, boxes, bins, pallets, and fibreboard boxes between points in the counties of Merced, Stanislaus, and San Joaquin, request authority to extend service for the transportation of said commodities between points within the county of Santa Clara and between points within the San Francisco-East Bay Cartage Zone. Applicants also propose to serve the extended area on shipments moving in interstate commerce. Copies of the application were served upon 34 carriers with which the proposed service might compete as well as upon the California Trucking Association. An appropriate notice was published in the Federal Register. No protest has been received.

Applicants propose a daily same-day and overnight service, depending upon the time of day requests for service are received and pickups can be afforded and the lengths of the involved hauls. The rates proposed would be on the same level as those contained in Minimum Rate Tariff 2.

Applicants own and operate 442 units of equipment and as of December 31, 1973 indicated a net worth in the amount of \$585,962.

Applicants allege that service was first commenced in 1935; that over the years the operation has continuously grown; that as a result applicants' movements between the proposed areas have become more frequent; that the requested extension is needed to continue such operations and meet the requirements of the shippers served; and that the requested authority will permit applicants to enjoy an orderly growth in the future as they have in the past.

After consideration the Commission finds that 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 this decision.

We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Applicants' operating authority will be restated in the form of a new certificate which will not broaden or change the interstate or foreign commerce rights held by applicants except for the extension herein authorized. A public hearing is not necessary.

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 canceled 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, authorizing them to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure so to do may result in cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they will be required, among other things, to comply with 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 of this order, applicants shall establish the authorized service and amend or reissue 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 authorized service.
- (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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 81492, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 20th
day of AUGUST, 1974.

Vernon L. Sturgeon
President
William J. Synnott, Jr.
[Signature]
[Signature]
[Signature]
Commissioners

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, San Joaquin and Santa Clara Counties
and the San Francisco-East Bay Cartage Zone, as
described in Note A.

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.

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NOTE A

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along Said Lake Merced Boulevard to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 32; thence southeasterly along an imaginary line one mile west of and paralleling State Highway 32 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence along said boundary line to U.S. Highway 101 (Bayshore Freeway); thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road; thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile

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northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue; thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to point of beginning.

(END OF APPENDIX A)