

Decision 84 62 041 February 1, 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of ROBERT E. DELLIPLAINE, LESTER  
JACKSON, TONY MOORE, RICHARD IRELAN,  
ROBERT COLLINI, GEORGE SCARLETT, and  
ELTON WILLIAMS, individuals, for  
authority to acquire control of  
DELLIPLAINE TRUCK COMPANY, INC.,  
pursuant to Section 854 of the  
California Public Utilities Code,

and

In the Matter of the Application  
of DELLIPLAINE TRUCK COMPANY, INC.,  
a corporation, for authority to  
deliver a security agreement  
covering certain equipment pursuant  
to Section 851 of the California  
Public Utilities Code.

Application 83-09-82  
(Filed September 30, 1983;  
amended October 27, 1983)

O P I N I O N

Delliplaine Truck Company, Inc. (truck company) is a corporation duly organized and existing under the laws of the State of California with its principal place of business in Bakersfield, California. A certified copy of its articles of incorporation were filed with the Commission on December 29, 1969 in Application 51590. There has been no amendment or revocation since the date of filing.

The truck company operates as a certificated highway common carrier under Public Utilities (PU) Code §§ 1063 and 1063.5, and as a highway contract carrier. It also holds authority from the Interstate Commerce Commission coextensive with its PU Code § 1063 certificate. Operating equipment includes 5 tractors, 15 vans, 1 flatbed truck, and 2 pickup trucks.

The corporation has issued 540 shares of no par value capital stock. John A. Delliplaine (seller) holds 270 shares which he has applied to sell to a group of employees. Seller has more than 35 years in the business and is ready to retire. Robert E. Delliplaine, one of the purchasers, holds the remaining 270 shares

of stock. The original application was filed by seven prospective purchasers, with each to receive a proportionate share of stock. An amendment was filed on October 27, 1983 to delete one of the original purchasers (Tony Moore).

The remaining six purchasers will each receive title to 45 shares of stock, paying \$10,000 therefore. Each has signed a promissory note (security agreement) pledging his interest in the stock and operating equipment as security for payment of the purchase price. The combined payment for the 270 shares to be sold totals \$60,000. The notes include 10% per annum interest and will each be paid at the rate of \$166.67, or more, per month, with payments starting on January 1, 1984 and all remaining principal and interest becoming due and payable on January 1, 1989.

Robert Delliplaine is the vice president of the truck company and is actively engaged in managing the business. The other five purchasers have been employed for an average of ten years, and all are familiar with the business. The truck company balance sheet, dated December 31, 1982, is attached to the application.

A copy of the application was mailed to the office of the California Trucking Association in Burlingame and notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on October 5, 1983. No protests or requests for hearing have been received.

Findings of Fact

1. The sale of stock and encumbrance of property is not adverse to the public interest.
2. The transfer and sale of the stock is for a proper purpose.
3. A public hearing is not necessary.
4. The six applicants should be authorized to control Delliplaine Truck Company, Inc.

5. The action taken shall not be construed as a finding of value of the capital stock of Delliplaine Truck Company, Inc.

Conclusion of Law

The application should be granted.

O R D E R

IT IS ORDERED that:

1. Robert E. Delliplaine, Lester Jackson, Richard Irelan, Robert Collini, George Scarlett, and Elton Williams may control Delliplaine Truck Company, Inc.

2. On or before March 1, 1984, John A. Delliplaine may sell 270 of his shares in the Delliplaine Truck Company, Inc., a California corporation, to six employees thereof, according to the terms of the agreement attached to the application.

3. The security agreement encumbering the operating equipment and attached to the application may be executed and delivered, as requested.

4. Delliplaine Truck Company, Inc. shall file the reports required by General Order Series 24.

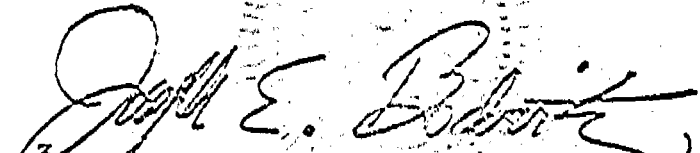
This order becomes effective 30 days from today.

Dated FEB 1 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. CREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

Decision 84 02 041

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ROBERT E. DELLIPLAINE, LESTER JACKSON, TONY MOORE, RICHARD IRELAN, ROBERT COLLINI, GEORGE SCARLETT, and ELTON WILLIAMS, individuals, for authority to acquire control of DELLIPLAINE TRUCK COMPANY, INC., pursuant to Section 854 of the California Public Utilities Code,

and

In the Matter of the Application of DELLIPLAINE TRUCK COMPANY, INC., a corporation, for authority to deliver a security agreement covering certain equipment pursuant to Section 851 of the California Public Utilities Code.

Application 83-09-82  
(Filed September 30, 1983;  
amended October 27, 1983)

O P I N I O N

Delliplaine Truck Company, Inc. (truck company) is a corporation duly organized and existing under the laws of the State of California with its principal place of business in Bakersfield, California. A certified copy of its articles of incorporation were filed with the Commission on December 29, 1969 in Application 51590. There has been no amendment or revocation since the date of filing.

The truck company operates as a certificated highway common carrier under Public Utilities (PU) Code §§ 1063 and 1063.5, and as a highway contract carrier. It also holds authority from the Interstate Commerce Commission coextensive with its PU Code § 1063 certificate. Operating equipment includes 5 tractors, 15 vans, 1 flatbed truck, and 2 pickup trucks.

The corporation has issued 540 shares of no par value capital stock. John A. Delliplaine (seller) holds 270 shares which he has applied to sell to a group of employees. Seller has more than 35 years in the business and is ready to retire. Robert E. Delliplaine, one of the purchasers, holds the remaining 270 shares