

ORIGINAL

Decision 82 06 098 JUN 15 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LOUIS F. REPUCCI, an individual,)
for authority pursuant to)
Section 854 of the California)
Public Utilities Code to acquire)
control of HILL LINE, INC.)

Application 82-04-17
(April 5, 1982)

O P I N I O N

SS By this application Louis F. Repucci (Repucci), an individual, seeks authority under Public Utilities (PU) Code Section 854 to control Hill Line, Inc. (Hill), a California corporation, by the purchase of all of Hill's issued and outstanding stock.

Hill holds a highway common carrier certificate of public convenience and necessity issued under PU Code Section 1063.5. It authorizes the transportation of general commodities statewide. The carrier also holds a highway contract carrier permit issued under File T-129,040.

There are presently issued and outstanding 100 shares of common capital stock of Hill all owned by Boardman Hill. It is proposed that the 100 shares will be sold to Repucci who will then solely own and control Hill. Under the terms of the Stock Purchase Agreement, filed as Exhibit A to the application, the total

purchase price for the stock is \$45,000 payable in cash.

Boardman Hill warrants and guarantees that the shares are free and clear of all liens and encumbrances and that he is authorized to sell the shares.

A copy of the application was mailed to the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar on April 9, 1982. No protests to the application have been received. Applicant has requested relief from the provisions of Rule 37 of the Commission's Rules of Practice and Procedure which require wide distribution of the application.

We have reviewed the provisions of the PU Code which may be applicable to the transaction for which approval is sought in this application. We conclude that the transfer of control of a corporation holding a PU Code Section 1063.5 highway common carrier certificate is subject to the provisions of PU Code Section 854 and that PU Code Section 1064.5 is not applicable.

Findings of Fact

1. Louis F. Repucci seeks to acquire control of Hill from Boardman Hill.
2. The proposed transaction would not be adverse to the public interest.

3. The following order complies with the guidelines set forth in the Commission's Energy Efficiency Plan.

4. A public hearing is not necessary.

Conclusions of Law

1. PU Code Section 854 is applicable to transfer of control of a corporation holding a highway common carrier certificate issued under PU Code Section 1063.5.

2. The application should be granted as set forth in the ensuing order.

3. The request for relief from the provisions of the Commission's Rules of Practice and Procedure requiring wide distribution of the application, should be granted.

The action taken shall not be construed as a finding of the value of the capital stock of Hill.

O R D E R

IT IS ORDERED that:

1. Louis F. Repucci may control Hill Line, Inc., a California corporation.

A.82-04-17 T/SG/TCG/WPSC*

2. This authorization shall expire if not exercised by September 30, 1982 or within such additional time as may be authorized by the Commission.

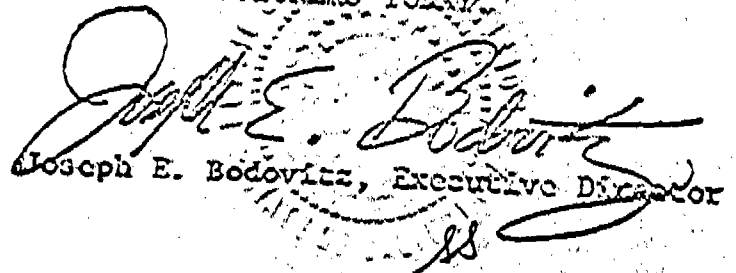
3. Applicant's request for relief from the Commission's Rules of Practice and Procedure requiring wide dissemination of the application is granted.

This order becomes effective 30 days from today.

Dated JUN 15 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director