

ORIGINAL

Decision 82 08 043 'AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JUDY BURGESS for authority to)
control ROBERT BARCAGLIA TRUCKING.)
_____) Application 82-04-14
 (Filed April 5, 1982)

O P I N I O N

By this application, Judy Burgess (Burgess), an individual, seeks authority under Public Utilities (PU) Code Sections 854 and 3551 to control Robert Barcaglia Trucking (Barcaglia), a California corporation. Barcaglia holds a certificate of public convenience and necessity as a cement carrier granted by Resolution 18055 in Application GCC #18. The certificate authorizes operation as a cement carrier as defined in PU Code Section 214.1 from all points of origin to all points in the Counties of Butte, Glenn, Humboldt, Lake, Lassen, Shasta, Siskiyou, Sutter, Tehama, and Yuba. Barcaglia also holds a highway common carrier certificate granted under PU Code Section 1063.5 and dump truck, heavy-specialized, and highway contract carrier permits under File T-113,570.

There are presently outstanding 1,600 shares of the capital stock of Barcaglia all of which were held by Boudro's Transport, Incorporated (Boudro), a California corporation, which acquired control of Barcaglia, as approved by the Commission by Decision 91825 dated May 20, 1980 in Application 59306. However,

Boudro is in default on payments to be made on the promissory note for the stock. All of the 1,600 shares of stock will be acquired by Burgess for \$165,000. \$25,000 will be paid to Robert L. Barcaglia and Peggy J. Barcaglia, former shareholders, on consummation of the transaction and the balance will be paid to them in monthly installments as provided in the Sales Agreement filed as Exhibit A to the application.

Burgess's balance sheet dated December 31, 1981 filed as Exhibit B of the application shows a net worth of \$116,500 with total assets of \$149,500.

A copy of the application was furnished to the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of April 8, 1982. No protests have been received.

Findings of Fact

1. The proposed change of control is not adverse to the public interest.
2. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
3. A public hearing is not necessary.

Conclusion of Law

The proposed change of control should be authorized.

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

O R D E R

IT IS ORDERED that Judy Burgess, an individual, is authorized to acquire control of Robert Barcaglia Trucking, a California corporation.

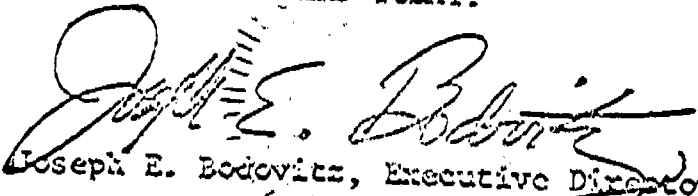
This order becomes effective 30 days from today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
COMMISSIONERS

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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


Joseph E. Bodovitz, Executive Director