

Decision 82 10 060 OCT 20 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 seeking authority pursuant to)
 Section 851 and 1064.5 of the)
 Public Utilities Code for MADALINE)
 SCANNAVINO, dba AL SCANNAVINO)
 TRUCKING CO. to transfer highway)
 common carrier certificates of)
 public convenience and necessity)
 and other assets to AL SCANNAVINO)
 TRUCKING, INC. and for AL SCANNA-)
 VINO TRUCKING, INC. to issue stock)
 and a promissory note.)

Application 82-05-60
(Filed May 25, 1982)

O P I N I O N

Madaline Scannavino (Seller), an individual doing business as Al Scannavino Trucking Co., requests authority to sell and transfer her highway common carrier certificates and other assets to Al Scannavino Trucking Inc., (Purchaser), a California corporation, and for Al Scannavino Trucking, Inc. to issue stock and a promissory note.

The certificates were issued under Public Utilities (PU) Code Sections 1063 and 1063.5, respectively, the former by Decision (D.) 91134 dated December 18, 1979 in Application (A.) 59053 and the latter by Application GC 1830 in File T-129 489. The certificate issued by D.91134 is the subject of a certificate of registration issued by the Interstate Commerce Commission in Docket No. MC-FC-78577 issued August 18, 1980. Seller also holds, under

file number T-129,489, permitted authority as a highway contract, dump truck, tank truck, and agricultural carrier. The transfer of these permits is the subject of a separate application.

The proposed transfer of the PU Code Section 1063.5 certificate meets the terms and conditions set forth in Resolution 18049 for continuity transfers. It will not, therefore, be subject to the limitation imposed by the provisions of PU Code Section 1064.5.

The agreement for sale and transfer covers all the assets and liabilities of the Seller in exchange for all the capital stock of the Purchaser. The agreement also provides for the issuance by the Purchaser of an unsecured promissory note in the amount of \$301,558 with interest payable monthly at 10% per annum. The entire amount of the principal is payable on October 1, 1985. Applicants allege that they were unaware that the consummation of the incorporation procedures required the prior approval of the Commission.

The Purchaser's balance sheet dated September 30, 1981 shows a net worth of \$394,987 with total assets of \$2,266,547.

Notice of the filing of the application appeared in the Commission's Daily Calendar of May 27, 1982. A copy of the application was furnished to the California Trucking Association. No protests have been received. Applicants request waiver of the

provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure. Inasmuch as this is a matter which does not significantly affect any other party, the requested relief will be granted.

Findings of Fact

1. Purchaser has the ability and sufficient financial resources to conduct the proposed operation.
2. The proposed promissory note is for a proper purpose.
3. The transfer of the certificate of public convenience and necessity issued under PU Code Section 1063.5 is not subject to PU Code Section 1064.5.
4. A public hearing is not necessary.
5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

The proposed transfers are not adverse to the public interest and should be authorized.

Only the amount paid to the State for operative rights may be used for rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Madaline Scannavino, an individual, may sell and transfer the operative rights and other property specified in the application to Al Scannavino Trucking, Inc., a California corporation. This authority shall expire if not exercised by December 31, 1982 or within such additional time as the Commission may authorize.

2. Purchaser shall:

- a. File with the Transportation Division written acceptance of the certificates and a copy of the bill of sale or other transfer document within 30 days after transfer.
- b. Amend or reissue Seller's tariffs. The tariffs shall not be effective before the date of transfer nor before 5 days notice is given to the Commission.
- c. Comply with General Order Series 80, 100, 104, and 147 and the California Highway Patrol Safety Rules.
- d. Maintain accounting records in accordance with the Uniform System of Accounts.

3. If the transfer is completed, on the effective date of the tariffs, two certificates of public convenience and necessity are granted to Al Scannavino Trucking, Inc., a California

corporation, authorizing it to operate as defined in PU Code Section 213 between the points listed in Appendix A, and as provided in Application GC 1830, respectively.

4. On or after the effective date of this order but before December 31, 1982, for the purpose specified, Purchaser may issue an evidence of indebtedness in a principal amount not exceeding \$301,558.

5. The certificate of public convenience and necessity granted by D.91134 is revoked on the effective date of the tariffs.

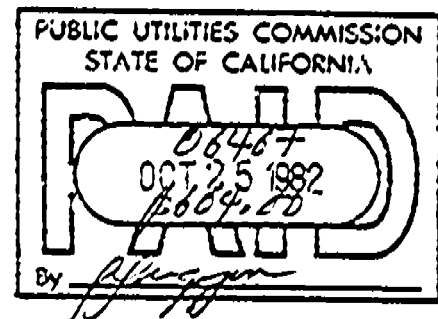
6. Waiver of the provisions of Rule 37(a) of the Commission's Rules of Practice and Procedure is granted.

The authority granted by this order to issue and evidence of indebtedness will become effective when the issuer pays \$604 set by PU Code Section 1904(b). In all other respects, this order becomes effective 30 days from today.

Dated OCT 20 1982, at San Francisco, California.

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

Commissioner Priscilla C. Crew,
being necessarily absent, did
not participate



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

Joseph E. Bodovitz
Joseph E. Bodovitz, Executive Director

Appendix A AL SCANNAVINO TRUCKING, INC. Original Page 1
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Al Scannavino Trucking, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Public Utilities Code Section 213 for the transportation of general commodities as follows:

I. General Commodities

- a. Between all points and places in the Counties of Sacramento, San Joaquin, Stanislaus, and Contra Costa
- b. Between San Francisco Territory, as described in Note A, on the one hand and all points and places in the Counties of Sacramento, San Joaquin, Stanislaus, Contra Costa, and the City of Cloverdale, on the other hand, using all available routes between these points:

Except that under the authority granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

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2. Automobiles, trucks, and buses, viz.:
new and used, finished or unfinished
passenger automobiles (including jeeps),
ambulances, hearses, and taxis, freight
automobiles, automobile chassis, trucks,
truck chassis, truck trailers, trucks
and trailers combined, buses, and bus
chassis.
3. Commodities when transported in bulk, in
dump-type trucks or trailers, or in
hopper trucks or trailers.
4. Commodities when transported in motor
vehicles equipped for mechanical
mixing in transit.
5. Portland or similar cements, in bulk or
packages, when loaded substantially
to capacity of motor vehicle.
6. Logs.
7. Articles of extraordinary value.
8. Trailer coaches and campers, including
integral parts and contents when the
contents are within the trailer coach
or camper.
9. Commodities requiring the use of special
refrigeration or temperature control in
specially designed and constructed
refrigerator equipment.

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10. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.

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

II. Livestock

Between the points described, including all intermediate points, with the right to serve off-route points within 50 statute miles of these routes.

- (1) Interstate Highway 5 between the Mexico-California boundary line and its junction with U.S. Highway 101 in the City of Los Angeles; via U.S. Highway 101 to the California-Oregon State Line.
- (2) State Highway 1 between its junction with Interstate Highway 5 near Capistrano Beach, and its junction with U.S. Highway 101 near El Rio.
- (3) State Highway 111 between the Mexico-California boundary line and its junction with State Highway 86 near Heber; via State Highway 86 to its junction with Interstate Highway 10 near the City of Indio; via Interstate Highway 10 to its junction with Interstate Highway 5 in the City of Los Angeles; via Interstate Highway 5 to its junction with State Highway 99 at Wheeler Ridge; via State Highway 99 to its junction with Interstate Highway 80 in the City of

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Sacramento; via Interstate Highway 80 to its junction with State Highway 113 near the City of Davis; via State Highway 113 to its junction with Interstate Highway 5 near the City of Woodland; via Interstate Highway 5 to the California-Oregon State Line.

- (4) Interstate Highway 80 between the City of Sacramento and its junction with State Highway 65 near the City of Roseville; via State Highway 65 to its junction with State Highway 70 near Olivehurst; via State Highway 70 to its junction with State Highway 20 in the City of Marysville; via State Highway 20 to its junction with State Highway 99 in the City of Yuba City; via State Highway 99 to the City of Red Bluff.
- (5) State Highway 97 between the City of Weed and Dorris.
- (6) Interstate Highway 15 between the City of San Diego and its junction with Interstate Highway 15E near Murietta; via Interstate Highway 15E to its junction with Interstate Highway 15 near Devore; via Interstate Highway 15 to its junction with U.S. Highway 395 near Hesperia; via U.S. Highway 395 to the Nevada-California State Line near Topaz Lake.
- (7) U.S. Highway 395 between the Nevada-California State Line near Hallelujah Junction and the California-Oregon State Line at New Pine Creek.
- (8) State Highway 299 between the City of Alturas and the City of Redding.
- (9) State Highway 36 between Johnstonville and the City of Red Bluff.

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- (10) State Highway 70 between its junction with U.S. Highway 395 at Hallelujah Junction and the City of Marysville.
- (11) Interstate Highway 80 between its junction with the California-Nevada State Line and the City of Berkeley.
- (12) U.S. Highway 50 between its junction with the California-Nevada State Line at Stateline and its junction with State Highway 99 in the City of Sacramento; via State Highway 99 to its junction with State Highway 4 in the City of Stockton; via State Highway 4 to its junction with Interstate Highway 5 in the City of Stockton; via Interstate Highway 5 to its junction with Interstate Highway 205 (Business) near Banta; via Interstate Highway 205 (Business) to its junction with Interstate Highway 205 west of the City of Tracy; via Interstate Highway 205 to its junction with Interstate Highway 580 near Mountain Home; via Interstate Highway 580 to its junction with Interstate Highway 80 in the City of Emeryville; via Interstate Highway 80 to the City of San Francisco.
- (13) State Highway 152 between its junction with State Highway 99 near Califa and the City of Gilroy.
- (14) State Highway 41 between Yosemite Village and the City of Paso Robles.
- (15) State Highway 198 between Three Rivers and its junction with U.S. Highway 101 at San Lucas.
- (16) State Highway 63 between its junction with State Highway 110 near Squaw Valley and the City of Tulare.

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- (17) State Highway 65 between the City of Bakersfield and its junction with State Highway 198 near Exeter; via State Highway 198 to its junction with State Highway 245; via State Highway 245 via Badger to its junction with State Highway 180; via State Highway 180 to Grant Grove Village.
- (18) State Highway 190 between City of Tipton and the City of Springville.
- (19) State Highway 46 between its junction with State Highway 99 at the City of Famoso, and Cholame.
- (20) State Highway 166 between its junction with State Highway 99 at Mettler and its junction with State Highway 33 at the City of Maricopa; via State Highway 33 to the City of Coalinga.
- (21) State Highway 166 between its junction with State Highway 99 at Mettler and its junction with U.S. Highway 101 near the City of Santa Maria.
- (22) State Highway 58 between the City of Bakersfield and its junction with Interstate Highway 15 near the City of Barstow; via Interstate Highway 15 to its junction with the California-Nevada State Line.
- (23) Interstate Highway 10 between the City of Los Angeles and its junction with the California-Arizona State Line at the City of Blythe.

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- (24) Interstate Highway 5 between the City of Los Angeles and its junction with State Highway 14; via State Highway 14 to its junction with U.S. Highway 395 near Inyokern; via U.S. Highway 395 to its junction with U.S. Highway 6 in the City of Bishop; via U.S. Highway 6 to its junction with the California-Nevada State Line near Benton.
- (25) Interstate Highway 40 between the City of Barstow and its junction with National Trails Highway at Ludlow; via National Trails Highway to its junction with Interstate Highway 40 near Mountain Springs Summit; via Interstate Highway 40 to the California-Arizona State Line near the City of Needles.
- (26) State Highway 71 between the City of Pomona and its junction with Interstate Highway 15E near Murietta.
- (27) Interstate Highway 8 between the City of San Diego and the California-Arizona State Line near Winterhaven.

III. Crushed Grapes in bulk in tank equipment; Grape Concentrates in bulk in tank equipment; Grape Juice in bulk in tank equipment; Liquors, vinous, in bulk or in cases; Wine, in bulk in cases.

Between points located on or within 15 statute miles of the following highways:

- (a) Interstate 5 between the City of Los Angeles and its junction with State Highway 99 at Wheeler Ridge; via State Highway 99 to the City of Sacramento; via Interstate Highway 80 to its junction with State Highway 113 near the City of Davis; via State Highway 113 to its junction with Interstate Highway 5 at the City of Woodland; via Interstate Highway 5 to the City of Redding.
- (b) Interstate Highway 80 between the City of Sacramento and its junction with State Highway 65 near the City of Roseville; via State Highway 65 to its junction with State Highway 70 near Olivehurst; via State Highway 70 to its junction with State Highway 20 in the City of Marysville; via State Highway 20 to its junction with State Highway 99 in the City of Yuba City; via State Highway 99 to its junction with Interstate Highway 5 at the City of Red Bluff; via Interstate Highway 5 to the City of Redding.
- (c) U.S. Highway 101 between the City of Salinas and the City of Ukiah.
- (d) State Highway 12 between the City of Sebastopol and Cordelia.
- (e) State Highway 29 between the City of Napa and the City of Calistoga.

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- (f) State Highway 17 between the City of Oakland and the City of San Jose.
- (g) Interstate Highway 5 between the City of San Diego and its junction with U.S. Highway 101 in the City of Los Angeles; via U.S. Highway 101 to the City of Santa Barbara.

RESTRICTION

Carrier shall not, as a highway common carrier, transport wine or vinous liquors in cases between Madera County, on the one hand, and, on the other hand, any point located on or within 15 statute miles of State Highway 99 and Interstate Highway 5 south of Madera County or on or within 15 statute miles of Interstate Highway 5 between the City of San Diego and its junction with U.S. Highway 101 in the City of Los Angeles; thence via U.S. Highway 101 to the City of Santa Barbara.

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NOTE A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County line meets the Pacific Ocean; easterly along that county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos city limits; easterly along the city limits and their prolongation to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and its prolongation to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along the boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin

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NOTE A (Cont)

SAN FRANCISCO TERRITORY

Avenue: westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along the waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to the point of beginning.

(END OF APPENDIX A)

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