

Decision 83 11 096 NOV 30 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 THE ESTATE OF RALPH PANELLA, DECEASED, )  
 ROBERT A. PANELLA and EUGENE J. PANELLA, ) Application 83-09-36  
 partners, doing business as RALPH PANELLA ) (Filed September 15, 1983)  
 TRUCKING, to transfer a certificate of )  
 public convenience and necessity to RALPH )  
 PANELLA TRUCKING, INC. )  
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O P I N I O N

The estate of Ralph Panella, Robert A. Panella and Eugene J. Panella are partners doing business as Ralph Panella Trucking (the partnership). Ralph Panella Trucking, Inc. is a California corporation.

The partnership holds a certificate of public convenience and necessity as a highway common carrier, issued by Decision 83326. The certificate authorizes the transportation of specified commodities between areas extending from Butte and Lake Counties to Los Angeles County. The partnership also has permits and a \$ 1063.5 certificate which will be the subject of separate applications. Because of the death of Ralph Panella and the desire of Eugene Panella to withdraw from the business, both parties have applied to transfer the certificate to the corporation.

Notice of the application appeared in the Daily Transportation Calendar of September 21, 1983. No protests have been received.

Findings of Fact

1. The proposed transfer is not adverse to the public interest.
2. No public hearing is necessary.

Conclusion of Law

The proposed transfer should be authorized.

Only the amount paid to the State for operative rights may be used in 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. The estate of Ralph Panella, Robert A. Panella and Eugene Panella may sell and transfer the operative rights (and property) specified in the application to Ralph Panella Trucking, Inc. This authorization shall expire if not exercised by July 1, 1984, or within such additional time as the Commission may authorize.
2. Applicants shall:
  - a. File with the Transportation Division written acceptances of the certificate and copies of the bill of sale or other transfer documents within 30 days after transfer.

- b. Amend or reissue their 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 Orders Series 80, 100, 123, and 147, and the California Highway Patrol safety rules.
- d. Maintain accounting records in conformity with the Uniform System of Accounts.
- e. Comply with General Order Series 84 (collect-on-delivery shipments). If applicants elect not to transport collect-on-delivery shipments, they shall file the tariff provisions required by that General Order.
- f. Comply with General Order Series 102 and 130. If applicant elects to engage subhaulers, applicant shall have the required bond on file, and applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

3. When the transfer is completed, and on the effective date of the tariffs, a certificate of public convenience and necessity is granted to Panella Trucking, Inc. authorizing it to operate as a highway common carrier, as defined in PU Code § 213, between the points listed in Appendix A.

4. The certificate of public convenience and necessity granted by Decision 83326 is revoked on the effective date of the tariffs.

This order becomes effective 30 days from today.

Dated NOV 30 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

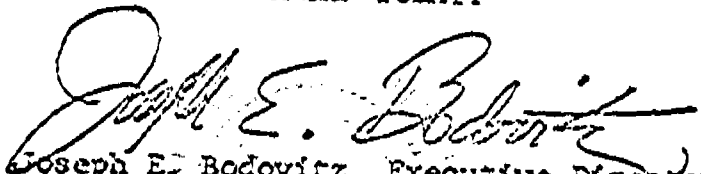
PRISCILLA C. CREW

WILLIAM T. SAGLEY

Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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

  
Joseph E. Bodovitz, Executive Director

Ralph Panella 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 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, applicant 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; easterly along that boundary line to Lake Merced Boulevard; southerly along Lake Merced Boulevard to South Mayfair Avenue; westerly along South Mayfair Avenue to Crestwood Drive; southerly along Crestwood Drive to Southgate Avenue; westerly along Southgate Avenue to Maddux Drive; southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; southeasterly along an imaginary line one mile west of and paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; along the boundary line to U.S. Highway 101 (Bayshore Freeway); leaving that boundary line, proceeding to the junction of Foster City Boulevard and Beach Park Road; northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); 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; northerly along that imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; easterly and northerly along "B" Street to Center Street; northerly along Center Street to Castro Valley Boulevard; westerly along Castro Valley Boulevard to Redwood Road; northerly along Redwood Road to Somerset Avenue; westerly along Somerset Avenue and 168th Street to Foothill Boulevard; northwesterly along Foothill Boulevard to the southern boundary line of the City of Oakland; easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; northwesterly along the county line to its intersection with

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easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County); westerly along County Road 20 to Broadway Avenue; northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; westerly along Rivers Street to 11th Street; northerly along 11th Street to Johns Avenue; westerly along Johns Avenue to Collins Avenue; northerly along Collins Avenue to Morton Avenue; 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; southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; southerly along an imaginary line 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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