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MAY 20 1980

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In The Matter Of The Application )  
Of BOUDRO'S TRANSPORT, INCOR- ) Application No. 59306  
PORATED for authority to control ) (Filed November 23, 1979)  
ROBERT BARCAGLIA TRUCKING )

O P I N I O N

By this application, Boudro's Transport, Incorporated, a California corporation, (Boudro), seeks authority to control Robert Barcaglia Trucking, a California corporation, (Barcaglia).

Barcaglia presently holds a cement carrier certificate of public convenience and necessity and highway carrier permits issued by this Commission. The certificate was granted by Resolution 18055 dated August 28, 1979, pursuant to Section 1063.1 of the Public Utilities Code and authorizes service from any and all points of origin to all points located within Butte, Glenn, Humboldt, Lake, Lassen, Shasta, Siskiyou, Sutter, Tehama, and Yuba Counties.

Boudro holds highway contract, dump truck and agricultural carrier permits issued by this Commission.

All of the outstanding 1,600 shares of the common capital stock of Barcaglia are held by Robert L. Barcaglia and Peggy J. Barcaglia, husband and wife. Pursuant to the terms of an agreement, a copy of which is attached to the application as Exhibit "B", the purchase price for 100% of the Barcaglia corporation's stock is \$220,000, payable as follows:

- (a) \$5,000 upon execution of the Agreement for Sale of Stock.
- (b) The balance in accordance with a promissory note in the sum of \$215,000 which shall bear interest at the rate of 10% per annum on the unpaid balance, due and payable as follows:

\$50,000	January 4, 1980
55,000	January 4, 1981
55,000	January 4, 1982
55,000	January 4, 1983

As security for the promissory note, the corporate stock of Barcaglia shall be held by Boudro's attorney, pending full performance of all of the latter's obligations.

Applicant Boudro requests relief from the provisions of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. Notice of the filing of the application appeared in the Commission's Daily Calendar of November 30, 1979. No protests to the application have been received.

After consideration, the Commission finds that control of Robert Barcaglia Trucking by Boudro's Transport, Incorporated, would not be adverse to the public interest. The Commission concludes that the acquisition of control of Robert Barcaglia Trucking, as requested in the application, should be authorized. A public hearing is not necessary. The action taken herein shall not be construed as a finding of the value of the capital stock of Robert Barcaglia Trucking.

O R D E R

IT IS ORDERED that:

1. Boudro's Transport, Incorporated, a California corporation may control Robert Barcaglia Trucking, a California corporation.
2. Boudro's Transport, Incorporated may execute a security agreement in substantially the same form as that outlined in the agreement.
3. Within ninety days after the effective date hereof, Boudro's Transport Incorporated, and Robert Barcaglia Trucking shall each file reports informing the Commission whether or not the change in control authorized herein has been completed.

4. The applicant is granted a waiver from the Commission's Rules of Practice and Procedure to the extent requested in the application.

The effective date of this order ~~is the date hereof.~~ *shall be thirty days after*  
the date ~~hereof.~~ *hereof.*  
Dated MAY 20 1980, at San Francisco, California.

SS

John E. Conroy  
President  
James L. Thompson  
Robert W. Howell  
Clarence J. [unclear]  
Terrence M. [unclear]  
Commissioners