

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
M. MAFFEI, G. B. PODESTA, and R. GOTELLI,
a co-partnership, doing business under the
firm name and style of the CITY AUTO EXPRESS
& DRAYAGE CO., E. RICCI, L. IMPERATORI and
ALFRED BANDETTINI and ANGELO VILLANTI, for Application
the approval of certain agreements entered No. 12390
into for the purpose of affecting the trans-
fer and merger of certain automobile oper-
ative rights between San Francisco, Colma,
Salada and San Pedro, in the State of
California.

BY THE COMMISSION -

OPINION and ORDER

ORIGINAL

R. Gotelli, owner of an undivided one-half interest in an operating right for an automobile freight service between San Francisco and San Mateo county points in the vicinity of Colma and in Pedro Valley has petitioned the Railroad Commission for authority to sell and transfer said one half interest to E. Ricci and L. Imperatori, and E. Ricci and L. Imperatori have asked for authority to purchase and acquire said undivided one-half interest, and with M. Maffei and G. B. Podesta, each of whom owns a one-quarter interest in the above described operating right, operate thereunder using the firm name and style of City Auto Express and Drayage Company.

Alfred Bandettini and Angelo Villanti, owners of an operating right for the transportation of produce between Pedro Valley, Colma and San Francisco, have petitioned the Railroad Commission for authority to sell and transfer to M. Maffei, G. B. Podesta, E. Ricci and L. Imperatori each a one-sixth interest in the operating right now owned by Bandettini and Villanti, and M. Maffei, G. B. Podesta, E. Ricci and L. Imperatori have asked for authority to purchase and acquire said four one-sixth interests and with Bandettini and Villanti, each of the last named also owning a one-sixth

interest to operate thereunder.

M. Maffei, G. B. Podesta, E. Ricci, L. Imperatori, Alfred Bandettini and Angelo Villanti, 'as co-partners', and as owners of the two separate operating rights, the transfer of which to the six partners is herein sought, petition for an order authorizing the consolidation of the two operating rights, and the operation thereunder of an automobile trucking service between the points named in the separate operating rights. In the original application herein the applicants asked for authority to enlarge the consolidated operating right so as to permit general freight service between the towns in the territory named in the separate operating rights, but subsequently applicants asked that the petition for authority to enlarge the operating right be dismissed.

The sale and transfer of the property herein proposed to be transferred is to be in accordance with two agreements of sale attached to the application herein and made a part thereof, the agreements being designated as Exhibits "A" and "B".

The consideration to be paid for the property herein proposed to be transferred by R. Gotelli to H. Ricci and L. Imperatori is given as \$3500, of which sum \$3000 is said to represent the value of the one-half interest of Gotelli in certain equipment and \$500 is named as the value of Gotelli's interest in the operating right. The consideration to be paid for the property herein proposed to be transferred by Bandettini and Villanti is given as \$2200, the amount due on a mortgage of \$3800 on equipment, which mortgage is to be assumed by the full partnership of six. The sum of \$2000 is to be paid by Bandettini and Villanti in monthly installments of \$200 for the 1/6 interest each is to acquire in the consolidated operating right, said \$2000 to be paid to M. Maffei, G. B. Podesta, E. Ricci and L. Imperatori.

The operating rights involved in the instant proceeding were granted as follows:

In Decision No.9475, dated September 7, 1921, issued on Application No.6483, the Railroad Commission granted to Greene & Greene a certificate of public convenience and necessity to operate an automobile truck line as a common carrier of freight between San Francisco, Colma and Salada and Pedro, subject to the following condition:

That the operation ***** shall be confined solely to the transportation of farm products from ranches located in the vicinity and north of Pedro to Colma and San Francisco, and on the return haul to supplies and farm equipment consigned to the ranches in the same territory.

This operating right, on January 8, 1925, by authority of the Railroad Commission as granted in Decision No.14441, issued on Application No.10699, was transferred by Greene & Greene to a partnership consisting of Maffei, Gotelli and Podesta, who have been operating under the name of City Auto Express and Drayage Company.

In Decision No.10065 dated February 8, 1922, and issued on Application No.7468, Ernest Del Cielo was granted a certificate of public convenience and necessity to operate an automobile truck line as a common carrier of perishable vegetables and farm products between Pedro Valley and Colma and San Francisco, subject to the condition that he should not accept or transport

***** any freight whatsoever from San Francisco or Colma to Pedro Valley or Halfmoon Bay except empty boxes and crates which will be returned to shippers free of charge."

The Commission, in Decision No.11299 dated December 1, 1922, and issued on Application No.8422, authorized Del Cielo to transfer the above described operating right to Bandettini and Villanti, co-partners.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application, as amended by letter dated January 19, 1926, should be granted insofar as it refers to the transfer of the operating rights and their consolidation, with the ownership of the single right vested in a partnership consisting of M. Maffei, G. B. Podesta, E. Ricci, L. Imperatori, Alfred Bandettini and Angelo Villanti. It must be distinctly understood, however, that the authorization of transfer and consolidation contained herein in no way grants to the applicants any authority to extend the field covered by the consolidated right to any point beyond that authorized in the separate rights, or to enlarge in any way the service authorized by the separate rights.

IT IS HEREBY ORDERED that the above entitled application, as amended, be and the same hereby is granted, subject to the following further conditions:

- 1- The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.
- 2- Applicants Gotelli, Maffei, and Podesta shall immediately withdraw tariffs and time schedules now on file with the Railroad Commission in their names.
- 3- Applicants Bandettini and Villanti shall immediately withdraw tariffs and time schedules now on file with the Railroad Commission in their names.
- 4- Applicants Maffei, Podesta, Ricci, Imperatori, Bandettini and Villanti, co-partners, shall immediately file, under the fictitious name and style of "City Auto Express and Drayage Company" tariffs of rates and time schedules covering the rates and service now being given between San Francisco and points in San Mateo County, authority to serve which is granted herein, said tariffs and time schedules to be in form and substance satisfactory to the Railroad Commission.
- 5- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

- 6- No vehicle may be operated by applicants Maffei, Podesta, Ricci, Imperatori, Bandettini and Villanti unless such vehicle is owned by said applicants or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.
- 7- All of the above required filings shall be in duplicate and in accordance with the requirements of the Railroad Commission's General Order No.51.

IT IS HEREBY FURTHER ORDERED that in all other respects the application herein be and the same hereby is denied.

Dated at San Francisco, California, this 26th day of January, 1926.

H. A. Brundage
C. S. Sweeney
George D. Squires
Ernest L. Scott
Leon Whitely
COMMISSIONERS.