

Decision No. 19474

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 TONY RAMPONE to sell, and PETE RAMPONE)
 to purchase an undivided one half right,)
 title and interest in an automobile) Application No. 14480
 freight line operating between Sherman)
 Island and Oakland and San Francisco,)
 California.)

BY THE COMMISSION -

OPINION and ORDER**ORIGINAL**

Tony Rampone has petitioned the Railroad Commission for an order approving the sale and transfer by him to Pete Rampone of an undivided one-half interest in an operating right for the transportation of property between Sherman Island and Oakland and San Francisco, and Pete Rampone asks for authority to purchase and acquire said one-half interest and with Tony Rampone as a partner to hereafter operate said trucking service, the sale and transfer to be in accordance with an agreement of sale marked Exhibit "A", a copy of which is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$5000, all of which sum is said to represent the value of equipment, no value being claimed for intangibles.

The operating right, a one-half interest in which is herein proposed to be transferred, was granted to Tony Rampone by Railroad Commission Decision No. 16521, dated April 17, 1926, and issued on Application No. 12498. It authorizes Tony Rampone to operate a trucking service as a common carrier of asparagus between Sherman Island and Oakland and San Francisco.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted. The partnership is hereby placed upon notice that "Operative rights"

do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

IT IS HEREBY ORDERED that the above entitled application be, and the same is hereby granted, subject to the following 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- Applicant Tony Rampone shall immediately unite with applicants Tony and Pete Rampone, co-partners, in common supplement to the tariffs on file with the Commission, applicant Tony Rampone on the one hand withdrawing, and applicants Tony and Pete Rampone, co-partners, on the other hand accepting and establishing such tariffs and all effective supplements thereto.
- 3- Applicant Tony Rampone shall immediately withdraw time schedules filed in his name with the Railroad Commission and applicants Rampone & Rampone, co-partners, shall immediately file, in duplicate, in their own names time schedules covering service heretofore given by applicant Tony Rampone, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Tony Rampone or time schedules satisfactory to the Railroad Commission.
- 4- 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.
- 5- No vehicle may be operated by applicants Rampone & Rampone, co-partners, unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 12th day of March, 1928.

Leon A. Waldoff
C. J. ...
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COMMISSIONERS.