

Decision No. 24606

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ANGELO PICCARDO for authority to purchase and acquire the interest of ALBERT L. SCHNEIDER in the right to operate an auto truck line as a common carrier, for the transportation of property, for compensation, between Sacramento and Jackson, California, and intermediate points, together with certain operative property; and of said Albert L. Schneider to sell and transfer said interest to Angelo Piccardo.

Application No. 18025

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

Angelo Piccardo and Albert L. Schneider, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer by the co-partnership to Angelo Piccardo of the operating right for an automotive service for the transportation of property between Sacramento and Jackson and intermediate points, and Angelo Piccardo has petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement, a copy of which, marked Exhibit "A", 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 \$2500.00. The transaction is in dissolution of the partnership and the acquisition of the entire operating right and equipment by the payment in cash of the amount stated for the interest of Albert L. Schneider.

The operating right herein proposed to be transferred was established by Decision No. 23748, dated June 1, 1931, on Application No. 17086, for the operation by Albert L. Schneider and Angelo Piccardo, co-partners, of a common carrier trucking

service between Jackson and Sacramento, and intermediate points, via Perkins, Slough House, Michigan Bar, Central House, Drytown, Amador City, Sutter Creek and Martell." The grant provided a restriction "that no local service be performed between Sacramento and Perkins."

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.

Angelo Piccardo 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. Applicants Schneider and Piccardo shall immediately unite with applicant Angelo Piccardo in common supplement to the tariffs on file with the Commission covering service given under certificate herein authorized to be transferred, applicants Schneider and Piccardo on the one hand withdrawing, and applicant Angelo Piccardo on the other hand accepting and establishing such tariffs and all effective supplements thereto.
3. Applicants Schneider and Piccardo shall immediately withdraw time schedules filed in their names with the Railroad Commission, and applicant Angelo Piccardo shall immediately file, in duplicate, in his own name time schedules covering service heretofore given by applicants Schneider and Piccardo, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicants Schneider and Piccardo, 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 applicant Angelo Piccardo unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 21st day of March, 1932.

C. Seamy

Leon A. Wilcox

M. A. Carr

W. B. Henry

Fred G. Pleasant
COMMISSIONERS.