

Decision No. 11299

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
ERNEST DEL CIELO, ALFRED BANDETTINI)
and ANGELO VILLANTI, for the approval :
of a certain agreement entered into)
for the purpose of effecting the)
transfer of a certain automobile)
operative right. ;

Application No. 8422

ORIGINAL

BY THE COMMISSION,

ORDER

Ernest Del Cielo, Alfred Bandettini and Angelo Villanti have filed a joint application with the Railroad Commission in which they petition for an order authorizing Del Cielo to sell and Bandettini and Villanti, co-partners, to purchase a certain automobile truck line operated as a common carrier of vegetables and farm products between Pedro Valley, Colma and San Francisco, California.

The operative right herein sought to be transferred was obtained by applicant Del Cielo under Decision No. 10065 in Application No. 7468, dated February 8, 1922 and authorizes the operation of an automobile truck line as a common carrier of perishable vegetables and farm products only between Pedro Valley, Colma and San Francisco. His certificate expressly restricts the transportation of any freight whatsoever from San Francisco or Colma to Pedro Valley, except empty boxes and crates which will be returned to shippers free of charge.

The consideration to be paid for the property herein proposed to be transferred is given as the sum of \$1,500.00 which includes the equity of applicant Del Cielo in two Fageol trucks used in the transportation of farm products under the certificate

herein proposed to be transferred. No consideration is to be paid for the operative right, good will or other intangible items.

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.

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

1. That 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. That applicants Bandettini and Villanti, co-partners, shall file their written acceptance of the certificate herein authorized to be transferred, which written acceptance shall contain a statement to the effect that they understand the restrictions included in the order originally establishing the certificate herein authorized to be transferred, and that such restrictions will be fully complied with.

3. That applicant Del Cielo shall immediately file a cancellation of all tariff of rates and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 of the Railroad Commission.

4. That applicants Bandettini and Villanti, co-partners, shall immediately file, in duplicate, tariff of rates and time schedule or adopt as their own the tariff of rates and time schedules now on file with the Commission by applicant Del Cielo. All tariff of rates and time schedules to be identical with those filed by applicant Del Cielo.

5. That the rights and privileges herein authorized to be transferred shall never be discontinued, sold, leased, transferred or assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

6. That no vehicle may be operated by applicants Bandettini and Villanti, co-partners, unless such vehicle is owned by said co-partners or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 1st
day of December, 1922.

H. K. Brundige
Erving Martin
Chas. H. Downer
J. J. Mendish
Commissioners