ORIGINAL

Decision No. 30007

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ANGELO PICCAPDO to sell and of PICCAPDO BROTHERS to purchase an automobile freight line operated between Sacremento and Jackson, California: and for authority to consolidate the rights under Decisions No. 18,300 and No. 23,748, so that same may be operated by Piccardo Brothers, under one certificate and under the trade name "Amador County Freight Line."

Application No. 21380

BY THE COMMISSION:

## OPINION

Angelo Piccardo has petitioned the Railroad Commission for an order approving the sale and transfer by him to a copartnership, consisting of Angelo Piccardo and Andrea Piccardo, of an operating right for the automotive transportation as a highway common carrier of property between Sacramento and Jackson and intermediate points; and Angelo Mccardo and Andrea Piccardo, a copartnership, have 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.

No cash consideration is involved in the transfer requested, applicants alleging that while the right referred to has been owned and operated by Angelo Piccardo, as a matter of fact, both applicants, who are brothers, have advanced all of the funds which have been expended in connection with such operation and have accounted one to the other for all revenues therefrom.

The operating right herein proposed to be transferred was created by Decision No. 24606, dated March 21, 1932, in Application No. 18025.

Applicants, as copartners, are also conducting a highway common carrier operation between Martell and Jackson created by Decision No. 18300, dated April 29, 1927, in Application No. 11601 and have requested the consolidation of both operating rights.

This is not a matter requiring a public hearing. The application will be granted.

Angelo and Andrea Piccardo are 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.

## ORDER

- TI 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 for any purpose other than the transfer herein authorized.
  - 2. Applicants Angelo and Andrea Piccardo shall within twenty (20) days after the effective date of the order herein unite with applicant Angelo Piccardo in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Angelo Piccardo withdrawing and applicants Angelo and Andrea Piccardo accepting and establishing such tariffs and all effective supplements thereto.

- 3. Applicant Angelo Piccardo shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in his name with the Railroad Commission and applicants Angelo and Andrea Piccardo shall within twenty (20) days after the effective date of the order herein file, in duplicate, in their own names time schedules covering service heretofore given by applicant Angelo Piccardo which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Angelo 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 discontinuence has first been obtained.
- 5. No vehicle may be operated by applicants Angelo and Andrea Piccardo 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.
- 6. The authority herein granted to sell and transfer the right and/or property shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.
- 7. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

IT IS HEREEY FURTHER ORDERED that the operating rights created by Decision No. 24606, dated March 21, 1932, in Application No. 18025 and Decision No. 18300, dated April 29, 1927, in Application No. 11601, are hereby consolidated and unified into one operating right.

Dated at San Francisco, California, this 9 day of

August, 1937.

COMMISSIONERS.