

ORIGINALDecision No. 34705

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA MILK TRANSPORT, INC., A Corporation, to Sell and Transfer to VINCENT J. PHILIPPI and MARIO PASTRONE co-partners doing business as Pomona Valley Milk Transport, to purchase and acquire, Certificate of Public Convenience and Necessity for the Operation of Motor Vehicles and the Transportation of Property for Hire.

Application No. 24473

BY THE COMMISSION:

O P I N I O N

In the above entitled application the California Milk Transport, Inc. has petitioned the Commission for an order approving the sale and transfer by it to Vincent J. Philippi and Mario Pastrone, partners doing business as the Pomona Valley Milk Transport, of an operative right for the transportation of milk, cream and dairy products in general between Los Angeles and nearby communities including San Bernardino and dairies located in the Pomona Valley district. Vincent J. Philippi and Mario Pastrone have petitioned for authority to purchase and acquire said equipment and operative right from the California Milk Transport, Inc. and thereafter to operate thereunder. From the application it appears that the sale and transfer is to be made for a consideration of \$10,200 of which sum \$4,200 is for the equipment proposed to be transferred and the remainder for the intangibles.

The operative right proposed to be transferred was created by the Commission's Decision, No. 22428 dated May 13, 1930 on Application No. 16174 as amended by Decision No. 31434 dated November 5, 1938 on Application No. 22233. This amendment

authorized the discontinuance of the transportation of dairy supplies, hay and feed. Through successive transfers this operative right was eventually acquired by the applicant California Milk Transport under authority of the Commission's Decision No. 33917.

By affidavit filed herein it is shown that, under the operative right herein proposed to be transferred, service has been continuously provided since the acquisition of said right by applicant California Milk Transport.

After a full consideration of this matter, the Commission is of the opinion and finds that the request for authority for the proposed transfer is in the public interest and that a public hearing is not necessary. The application will be granted.

O R D E R

Based upon the foregoing opinion and the Commission's finding;

IT IS ORDERED that the California Milk Transport Inc. is hereby authorized to transfer to Vincent J. Philippi and Mario Pastrone the equipment and operative right referred to in the foregoing opinion, and Victor J. Philippi and Mario Pastrone are hereby authorized to purchase and acquire said equipment and said operative right and hereafter to operate thereunder.

IT IS FURTHER ORDERED that the applicants herein shall comply with the Commission's General Order No. 80 and with Part IV of the Commission's General Order No. 93-A by filing in triplicate and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty

(60) days from the effective date hereof and upon not less than five (5) days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California this 28th day of October, 1941.

W. H. K. K.
W. L. King
Justus P. Cramer
Francis J. Davenport
Richard H. Kase
Commissioners.