

ORIGINAL

Decision No. 35109

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 VINCENT J. PHILIPPI and MARIO PASTRONE,)
 copartners, doing business as Pomona)
 Valley Milk Transport, to sell, and of)
 said VINCENT J. PHILIPPI, an individual,)
 doing business as Pomona Valley Milk)
 Transport, to purchase operative rights) Application No. 24772
 for milk transport line operating)
 between the vicinities of Pomona, Chino)
 and Ontario and the metropolitan area)
 of Los Angeles, California.)

BY THE COMMISSION:

O P I N I O N

Vincent J. Philippi and Mario Pastrone, a partnership doing business as Pomona Valley Milk Transport, have petitioned the Commission for an order approving the sale and transfer by them to Vincent J. Philippi, an individual, of certain automotive equipment and a highway common carrier operative right for the transportation of milk, cream and dairy products in general between Los Angeles and nearby communities including, among others, San Bernardino and points in the Pomona Valley district. Vincent J. Philippi has petitioned for authority to purchase and acquire the automotive equipment and operative right from the partnership of Vincent J. Philippi and Mario Pastrone and thereafter to operate thereunder.

Attached to the application is a copy of an agreement dissolving partnership, marked Exhibit A, from which it appears that the consideration for the transfer involved is \$14,200. Of this sum \$12,200 is for the equipment proposed to be transferred and the remainder is 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. Through successive transfers, this operative right was eventually acquired by the partnership, Vincent J. Philippi and Mario Pastrone, under authority of the Commission's Decision No. 34705, dated October 28, 1941, on Application No. 24473.

After full consideration of this matter, the Commission is of the opinion and so finds that the request for authorization of 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 Vincent J. Philippi and Mario Pastrone, a partnership doing business as the Pomona Valley Milk Transport, are hereby authorized to transfer to Vincent J. Philippi, an individual, the equipment and operative right referred to in the foregoing opinion and Vincent J. Philippi is hereby authorized to purchase and acquire that equipment and operative right and thereafter to operate thereunder.

IT IS FURTHER ORDERED that applicants herein shall comply with the rules of the Commission's General Order No. 80 and Part IV

of 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 on not less than five days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 10th day of March, 1942.

Justus J. Calver
Ray & Riley

Francis R. Havenue
Richard W. Jackson
COMMISSIONERS