

25363

Decision No. 36201

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EUGENIO RUGANI, PAUL PERA, ADOLPH)
 TOLOMEI and E. DEL GRANDE, as copartners)
 doing business under the name of C.)
 PELLEGRINI DRAYING COMPANY, for authority)
 to transfer and sell, and EUGENIO RUGANI,)
 ADOLPH TOLOMEI and E. DEL GRANDE, as co-)
 partners to do business under the name of)
 HALF MOON BAY DRAYAGE COMPANY, to acquire)
 and purchase an automobile freight line)
 operated between Half Moon Bay and San)
 Gregorio and points intermediate, on the)
 one hand, and Colma, San Francisco,)
 Oakland, San Leandro and Emeryville, on)
 the other hand, all in the State of)
 California.)

Application No. 25363

BY THE COMMISSION:

O P I N I O N

Applicants Eugenio Rugani, Paul Pera, Adolph Tolomei and E. Del Grande, copartners doing business under the fictitious name of C. Pellegrini Draying Company, operate as a highway common carrier between Tunitas, Salada Beach and intermediate points, on the one hand, and San Francisco and Colma, on the other hand; also, for the transportation of northbound vegetables and perishable farm products from San Gregorio and Half Moon Bay, on the one hand, to San Francisco, Colma, Oakland, San Leandro and Emeryville, on the other hand; and for the transportation of southbound farm equipment, supplies and empty carriers from and to the points last mentioned.

These operative rights were acquired by virtue of Decision No. 34922, dated January 12, 1942.

Paul Pera now desires to withdraw from the copartnership, and to sell and transfer all of his rights therein, including his interest in the equipment, to the remaining copartners. These copartners, to wit, Eugenio Rugani, Adolph Tolomei and E. Del Grande thereupon propose to transfer all of their rights in and to the business of C. Pellegrini Draying Company, including said operative rights and equipment, to a new copartnership to be formed by Eugenio Rugani, Adolph Tolomei and E. Del Grande, and to be known as Half Moon Bay Drayage Company.

An agreement has been entered into between the parties for the sale and transfer of the interest of said Paul Pera to Rugani, Tolomei and Del Grande, a copy of which agreement is filed with the application. By its terms, the consideration to be paid to Pera is the sum of \$150 cash in payment for his interest in the operative rights of C. Pellegrini Draying Company; and the transfer of ownership to Pera of two certain trucks, now owned by C. Pellegrini Draying Company, in consideration of said Pera's interest in the equipment and other assets of C. Pellegrini Draying Company. The estimated present value of the two trucks transferred to Pera is \$1600, and of the five trucks retained by the Pellegrini Company \$5500. The trucks were divided in such a way as to give Pera approximately one-fourth of the equipment of the company, and the sum of \$150 was added to equalize this value.

The representation of the parties as to the value of the rights and properties to be transferred is not binding upon the Commission, nor shall the authorization here given for their transfer be taken as a finding in respect to their value for any purpose.

The transfers as proposed herein appear to be in the public interest and the application will therefore be approved. There appears no necessity for a public hearing.

O R D E R

IT IS ORDERED:

(1) That Paul Pera is hereby authorized to sell and transfer to Eugenio Rugani, Adolph Tolomei and E. Del Grande, and the latter are hereby authorized to purchase and acquire from said Pera all of his rights, title and interest in and to the operative right created by Decision No. 34922, in accordance with the terms and conditions of said agreement.

(2) That applicants 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 of this order and on not less than five (5) days' notice to the Commission and to the public.

(3) That the authority herein granted is subject to the provisions of section 52(b) of the Public Utilities Act, and further to the condition that Eugenio Rugani, Adolph Tolomei and E. Del Grande, copartners, their successors and assigns, shall never claim before this Commission or any court or any other public body, a value for said operative rights, or claim as a cost thereof an amount in excess of that paid for said rights by those to whom said rights were originally granted.

The effective date of this order shall be the date

hereof.

Dated at San Francisco, California, this
9th day of March, 1943.

Francis D. Havenner

W. H. K. K.

Justus J. Curran

Richard H. Baker

John W. [unclear]

COMMISSIONERS