

Decision No. 37460

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EUGENIO RUGANI, ADOLPH TOLOMEI and E. DEL GRANDE, ) as copartners doing business under the name of HALF MOON BAY DRAYAGE COMPANY, for ) authority to transfer and sell, and EUGENIO RUGANI, ADOLPH TOLOMEI, E. DEL GRANDE and ) RENATO CECCANTI, as copartners to do ) business under the name of Half Moon Bay ) Drayage Company, to acquire 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.)

ORIGINAL

Application No. 26371

BY THE COMMISSION:

O P I N I O N

Eugenio Rugani, Adolph Tolomei and E. Del Grande, copartners doing business as Half Moon Bay Drayage Company, presently operate as highway common carriers between Tunitas, Salada Beach, and intermediate points, on the one hand, and San Francisco and Colma, on the other hand, with certain rights and limitations (1) which are not pertinent to this proceeding.

Each of the partners owns an undivided one-third interest in said copartnership. They now desire to terminate the copartnership and form a new copartnership, under the same name, consisting of Eugenio Rugani, Adolph Tolomei, E. Del Grande and Renato Ceccanti, with each of said copartners owning an undivided one-fourth interest in said copartnership.

(1) See Decision No. 34922, dated January 12, 1942, and Decision No. 36201, dated March 9, 1943,

Upon the termination of the present copartnership and the formation of the new one it is the intention of the present copartners to transfer to said new copartnership all of the assets of the old copartnership, including operative rights and equipment.

In consideration for said copartners' transfer of such assets and rights, said new copartner, Renato Ceccanti, proposes to pay into the assets of the new copartnership the sum of \$3,400 in cash. All of the operative rights and equipment of the old copartnership would then be owned by the new copartnership, in which the new copartners will share equally.

It appears that the public interest will not be adversely affected by this transfer and the application will be granted. The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

A public hearing in this matter is not necessary.

Eugenio Rugani, Adolph Tolomei, E. Del Grande and Renato Ceccanti are hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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.

O R D E R

Application having been made in the above entitled matter, and good cause appearing,

IT IS ORDERED as follows:

(1) That Eugenio Rugani, Adolph Tolomei and E. Del Grando, copartners, are hereby authorized to transfer to Eugenio Rugani, Adolph Tolomei, E. Del Grante and Renato Ceccanti, copartners, all of their rights in and to the operative rights and equipment described in the foregoing opinion.

(2) That applicants shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing in triplicate, and concurrently making effective, appropriate tariffs and time tables within sixty (60) days from the effective date hereof, and on not less than one (1) day's notice to the Commission and the public.

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

Dated at San Francisco, California, this 9th day of November 1944.

[Signature]  
Justus F. Cooney  
Francis C. Havens

[Signature]  
COMMISSIONERS