

Decision No. 39337

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EUGENIO RUGANI, ADOLPH TOLOMEI, E. DEL GRANDE and RENATO CECCANTI, as copartners doing business) under the name of HALF MOON BAY DRAYAGE COMPANY, for authority to transfer and sell,) and EUGENIO RUGANI, ADOLPH TOLOMEI, and) E. DEL GRANDE, 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 one hand,) and Colma, San Francisco, Oakland, San) Leandro and Emeryville, on the other hand,) all in the State of California.)

ORIGINAL

Application
No. 27692O P I N I O N

Applicants Eugenio Rugani, Adolph Tolomei, E. Del Grande and Renato Ceccanti, are copartners doing business as Half Moon Bay Drayage Company and operating as highway common carriers for the transportation chiefly of vegetables and perishable farm produce, between Tunitas, Salada Beach and intermediate points, on the one hand, and San Francisco and Colma on the other hand. (1)

The application which we have here under consideration sets forth that Renato Ceccanti desires to withdraw from the copartnership and to sell and transfer all of his rights therein, including his interest in the equipment, to Eugenio Rugani, Adolph Tolomei and E. Del Grande, who, in turn, propose to form a new copartnership under the same name.

(1) Decision No. 34922, dated January 12, 1942, established the present operative rights of applicants, and Decisions Nos. 36201 and 37460 authorized certain sales and transfers.

An agreement has been entered into between the parties, copy of which forms part of the application. By its terms the consideration to be paid to Ceccanti is \$150 for his interest in the operative rights and \$3000 for his interest in the equipment and other assets of Half Moon Bay Drayage Company. Five trucks, described in the agreement, are involved in the transfer.

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 transfer as proposed herein appears to be in the public interest and the application will be granted. There appears no necessity for a public hearing.

Eugenio Rugani, Adolph Tolomei and E. Del Grande 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.

ORDER

IT IS ORDERED:

(1) That Renato Ceccanti 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 Renato Ceccanti all of his rights, title and interest in and to the operative right created by Decision No. 34922, and equipment, in accordance with the terms and conditions of a certain agreement, executed on July 12, 1946, and attached to the application as hereinabove numbered.

(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 60 days from the effective date of this order and on not less than 5 days' notice to the Commission and the public.

The effective date of this order shall be 20 days from the date hereof.

Dated at Los Angeles, California, this 27th day of August, 1946.

Harold P. Hills
Justus F. Calver
Thomas W. Gray
John H. Russell
A. J. Anderson
COMMISSIONERS