

Decision No. 29505

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
A. VILLANTI, doing business under the)
firm name CITY AUTO EXPRESS and DRAY-)
AGE COMPANY, to sell and A. GASPAROTTO)
to purchase an automobile trucking)
service (half share) operated between)
San Francisco, Colma, Salada Beach)
and Pedro Valley.)

Application No. 18872
1st Supplemental

ORIGINAL

O P I N I O N

By the supplement in the above entitled application, A. Villanti asks the Commission to remove the name of A. Gasparotto from a certificate of public convenience and necessity which authorizes the conduct of a highway common carrier operation between San Francisco and Colma, Salada Beach and Pedro Valley for the transportation of farm products, implements and supplies.

The operative rights involved were created by Decision No. 9475 in Application No. 6483, Decision No. 14441 in Application No. 10699, Decision No. 15903 in Application No. 12390 and Decision No. 17894 in Application No. 13455. Operations pursuant to such rights were conducted by A. Villanti in the name of City Auto Drayage Co. until 1933. In May of that year Mr. Villanti applied for authority to transfer a one-half interest in his business, equipment and operative rights to A. Gasparotto, who joined in the application. A copy of the agreement between the parties relating to the transfer was attached to the application. It provided, among other things, that the consideration to be paid by Gasparotto to Villanti for the one-half interest sought would be \$3,000. \$800 of such sum was payable upon the signing of the agreement

and the balance of \$2,200 was payable in monthly installments of \$50, plus interest at the rate of 6% per annum. It was agreed also that if default were made in any installments for a period of 60 days, the vendor should have the right to declare all rights of the vendee terminated and to retain any payments made. The requested transfer was authorized by Decision No. 25990 in Application No. 18872, dated May 29, 1933.

The instant application which is duly verified states that A. Gasparotto did not fulfill the terms of the above mentioned agreement. It is averred that Mr. Gasparotto has not been associated with the business "for several years prior to the year 1938". Applicant states he has not seen nor heard of A. Gasparotto since 1938 and does not know where he is nor how to locate him. Applicant Villanti operates the business in question. It is for the above reasons that he requests the Commission to alter its records by removing the name of A. Gasparotto from the certificate involved.

The Commission may not adjudicate the rights of A. Villanti and A. Gasparotto under their agreement. However the Commission has continuing jurisdiction over its decisions and the operative rights granted thereby, in order to protect the public welfare and provide proper regulation. To insure efficient administration in the public interest, it is necessary that the Commission's records show the actual operator performing service pursuant to the rights granted by its certificates. Therefore, the instant application will be granted and accomplished by transferring to A. Villanti the operative rights nominally held by A. Villanti and A. Gasparotto. A public hearing is not necessary.

O R D E R

Good cause appearing,

IT IS ORDERED that the operative rights created by Decision No. 9475 in Application No. 6483, Decision No. 14441 in Application No. 10699, Decision No. 15903 in Application No. 12390 and Decision No. 17894 in Application No. 13455, the transfer of which to A. Villanti and A. Gasparotto was authorized by Decision No. 25990 in Application No. 18872, are transferred from A. Villanti and A. Gasparotto to A. Villanti.

IT IS FURTHER ORDERED that A. Villanti 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 withdrawal and adoption supplements to the tariffs and time schedules on file with this Commission which will reflect the authority herein granted.

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

Dated at San Francisco, California, this 10th day of September, 1946.

Harold P. Hills
Justin J. Craven
Thomas J. Ryan
W. H. Lawrence
R. J. ...
COMMISSIONERS