

**ORIGINAL**Decision No. 43168

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 N. A. GOTELLI TRUCKING, a copartner- )  
 ship composed of Theresa Gotelli, )  
 Adolph Gotelli and Edward Gotelli, )  
 for authority to transfer a certifi- ) Application No. 30431  
 cate of public convenience and neces- )  
 sity to its successor, N. A. Gotelli )  
 Trucking Co., a copartnership. )

O P I N I O N

Theresa Gotelli, Adolph Gotelli and Edward Gotelli,  
 copartners, seek authority to acquire certain operative rights  
 as a highway common carrier.

By Decision No. 34187, dated May 13, 1941, in Application  
 No. 22957, a certificate of public convenience and necessity was  
 granted to N. A. Gotelli authorizing the operation of a highway  
 common carrier service for the transportation of fresh fruits and  
 vegetables from Stockton and points within a radius of 20 miles  
 thereof to Los Angeles.

The verified application on file in this proceeding states  
 that N. A. Gotelli died on January 14, 1947, and that the Superior  
 Court in and for the County of San Joaquin on May 5, 1949, entered  
 a decree of final distribution distributing the decedent's estate  
 to the applicants herein. It is asserted that applicants have been  
 conducting the common carrier business and desire to continue to do  
 so. No changes in service or rates are proposed.

The Commission has considered applicants' request and is  
 of the opinion that the application should be granted. A public

hearing is not necessary.

Theresa Gotelli, Adolph Gotelli and Edward Gotelli, copartners, 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 of 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 as above entitled having been made, and the Commission being fully advised in the premises,

IT IS ORDERED:

1. That Theresa Gotelli, Adolph Gotelli and Edward Gotelli, copartners, may, after the effective date hereof, and on or before September 1, 1949, acquire the operative right to which reference is made in this decision.
2. That Theresa Gotelli, as administratrix of the estate of N. A. Gotelli, deceased, and Theresa Gotelli, Adolph Gotelli and Edward Gotelli, copartners, shall, within 60 days after the date hereof and on not less than 5 days' notice to the Commission and the public, 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, tariffs and time schedules satisfactory to the Commission.

This order shall become effective 20 days after the date hereof.

Dated at Los Angeles, California, this 2<sup>nd</sup> day of August, 1949.

R. J. [Signature]  
Justin J. [Signature]  
[Signature]  
Harold P. [Signature]  
[Signature]  
COMMISSIONERS