

ORIGINAL

Decision No. 44909

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
MARIO LUCIDO, an individual doing )  
business under the name of MARIO'S )  
SERVICE, to sell, and Salvatore J. )  
Mayjoffo and Vincent P. Billeci, to )  
buy, the passenger stage operative )  
rights and equipment between Pitts- )  
burg, Camp Pittsburg, and Camp )  
Stoneman, Contra Costa County. )  
----- )

Application  
No. 31813

O P I N I O N

This application shows that Mario Lucido, doing business as Mario's Service, is engaged in the transportation of passengers between Pittsburg and Camp Pittsburg and Camp Stoneman; that he desires to retire from such operations because of ill health; and that he has made arrangements, and now asks permission, to transfer his certificate of public convenience and necessity, together with three units of equipment, to Salvatore J. Mayjoffo and Vincent P. Billeci, who presently are employed by said Lucido as drivers.

The properties to be transferred include the operative rights represented by the certificate of public convenience and necessity granted by the Commission by Decision No. 36390, dated May 25, 1943, in Application No. 25553, and three Dodge passenger buses reported to have cost, in the aggregate, the sum of \$15,266.24. The total purchase price, according to the application, is the sum of \$15,000, plus interest of \$1,800, being at the rate of 6% per annum for twenty-four months, payment to be made in twenty-four monthly installments of \$700 each, commencing November 1, 1950.

The deferred payments will be made under the terms of a conditional sales contract by and between Mario Lucido, seller, and Salvatore J. Mayjoffo and Vincent P. Billeci, buyers, providing for the sale of the three units of equipment, a copy of which contract is on file in this proceeding as Exhibit E. In addition, each of the buyers proposes to execute a deed of trust covering personal property to secure the payment of one-half of the indebtedness represented by the conditional sales contract.

The proposed conditional sales contract provides that title to the passenger buses will not be transferred until full payment has been made. The contract does not cover the certificate of public convenience and necessity and transfer of the same must be made to Mayjoffo and Billeci at or prior to the time they undertake to perform the service heretofore conducted by Lucido. Salvatore J. Mayjoffo and Vincent P. Billeci 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.

The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

O R D E R

The Commission having considered the above entitled matter, and being of the opinion that a public hearing thereon is

not necessary; that the proposed transfer will not be adverse to the public interest; that the application should be granted, as herein provided; that the money, property or labor to be procured or paid for through the execution of the conditional sales contract herein authorized is reasonably required by applicants Mayjoffo and Billeci for the purpose specified herein; therefore,

IT IS HEREBY ORDERED as follows:

1. Mario Lucido, after the effective date hereof and on or before December 31, 1950, may transfer to Salvatore J. Mayjoffo and Vincent P. Billeci the operative rights represented by the certificate of public convenience and necessity granted to him by Decision No. 36390, dated May 25, 1943, and said Mayjoffo and Billeci, upon acquiring said certificate, may undertake the operation of the passenger stage business heretofore conducted by said Lucido.

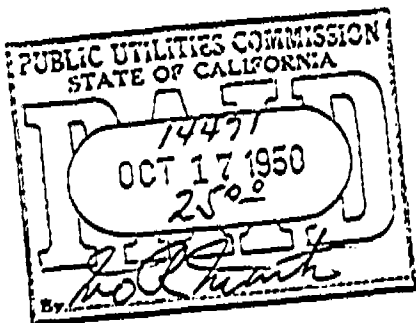
2. Applicants may execute a conditional sales contract providing for payments in the aggregate amount of \$16,800, including interest at the rate of 6% per annum, in substantially the same form as the conditional sales contract filed in this proceeding as Exhibit E, under the terms of which said Lucido may sell three Dodge passenger buses to Mayjoffo and Billeci.

3. Following the transfer of the operative rights under the authority herein granted, applicants shall comply with the provisions of General Order No. 79 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 after the effective date hereof and on not less than one (1) day's notice to the Commission and to the public.

4. Said Mayjoffo and Billeci shall file with the Commission a report, or reports, as required by General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

5. The authority herein granted will become effective when said Mayjoffo and Billeci have paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is twenty-five (\$25.00) dollars.

Dated at San Francisco, California, this 17<sup>th</sup> day of October, 1950.



R. Z. [Signature]  
Justin J. Calves  
Edward J. [Signature]  
Harold J. [Signature]  
[Signature]  
Commissioners