

ORIGINAL

Decision No. 45818

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 WILLIAM GIACOMAZZI and ELVEN GIACOMAZZI, )  
 copartners doing business under the )  
 firm name and style of GIACOMAZZI BROS., ) Application No. 32392  
 for authority to transfer certain operating )  
 rights to GIACOMAZZI BROS. TRANSPORTATION )  
 CO. )

O P I N I O N

William Giacomazzi and Elven Giacomazzi are copartners doing business under the firm name of Giacomazzi Bros., the applicant herein. Giacomazzi Bros. Transportation Co. is a corporation organized and existing under the laws of the State of California. Applicants request authority of the Commission to transfer their operating rights to the corporation.

Pursuant to Decision No. 44587, dated July 25, 1950, in Application No. 31140, applicants were granted a certificate of public convenience and necessity authorizing the establishment and operation of a service as a petroleum irregular route carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of petroleum and petroleum products in tank trucks and trailers between all points and places in the State of California.

William Giacomazzi and Elven Giacomazzi own all the stock of Giacomazzi Bros. Transportation Co., the corporation, which in turn owns certain vehicles and equipment used by applicants.

By this application the applicants seek to transfer to the corporation the certificate granted them under Decision No. 44587. The application recites that at the time of the filing of Application

No. 31140 for a certificate as a petroleum irregular route carrier the partnership was inactive. Through inadvertence, said certificate was applied for and issued to the applicant partnership instead of the corporation. The transfer of the operating rights herein requested is sought for the purpose of correcting this situation.

The request appears to be reasonable and not adverse to the public interest. Accordingly the application will be granted. A public hearing is not required.

Giacomazzi Bros. Transportation Co. is 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 as above entitled, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That William Giacomazzi and Elven Giacomazzi, copartners, are hereby authorized to transfer to Giacomazzi Bros. Transportation Co., a corporation, on or before September 30, 1951, and said Giacomazzi Bros. Transportation Co. is authorized to

acquire the operative rights granted to said William Giacomazzi and Elven Giacomazzi in Decision No. 44587, and thereafter to operate thereunder.

(2) That the action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

(3) That within 30 days after the consummation of the transfer herein authorized, applicants William Giacomazzi and Elven Giacomazzi shall notify the Commission in writing of that fact, and shall, within that period, file with the Commission a true copy of any Bill of Sale or other instrument of transfer which may have been executed to affect said transfer.

(3) On not less than five (5) days' notice to the Commission and the public, applicants shall comply with the provisions of General Orders Nos. 80 and Part IV of General Order No. 93-A by filing in triplicate, and concurrently making effective appropriate tariffs and timetables.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of June, 1951.

[Signature]  
[Signature]  
[Signature]

COMMISSIONERS