

ORIGINAL

Decision No. 4773S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CARRIE E. GINOCCHIO, JOHN R. GINOCCHIO)
and BERTHA E. WHEELER, copartners)
doing business as NEVADA CALIFORNIA)
TRANSPORTATION COMPANY, to acquire, and)
CARRIE E. GINOCCHIO, doing business as)
NEVADA CALIFORNIA TRANSPORTATION)
COMPANY, to transfer, her operating)
rights and properties.)

Application No. 33679

O P I N I O N

Applicant Carrie E. Ginocchio operates as a highway common carrier for the transportation of property pursuant to authority granted by this Commission in Decision No. 45179 dated December 19, 1950 in Application No. 31982. This decision refers to the decisions originally establishing the various rights acquired by said Carrie E. Ginocchio and further describes the authority embraced within said rights, which generally includes the routes between the California-Nevada State line on U. S. Highway 395, Chester, Susanville, Westwood, Greenville, Crescent City, Quincy, Portola, Johnstonville and Alturas.

The present application alleges that Carrie E. Ginocchio's son and daughter, applicants John R. Ginocchio and Bertha E. Wheeler, as superintendent of operations and office manager, respectively, have been active in the business since prior to the death of J. S. Ginocchio, formerly the owner of the business. Applicant Carrie E. Ginocchio now proposes to transfer the highway common carrier operative rights together with all automotive equipment and other personal property including permits issued by this Commission and Nevada and interstate certificates to a partnership composed of herself and her said son and daughter.

As justification for granting the application it is

alleged that upon the death of J. S. Ginocchio applicant Carrie E. Ginocchio who was his widow and succeeded to ownership of the business has relied upon the services of her said son and daughter for the proper management of the business and that due to their efforts said business has been successful and consequently that it is essential to the continued success of the business that their services be assured to the business and, therefore, a partnership agreement between the three applicants has been undertaken. Applicant Carrie E. Ginocchio states that she is not able to assume the responsibility of managing the business herself.

Upon the facts, as alleged in the verified application the Commission finds that the public interest will not be adversely affected by approval of the proposed transfer of the highway common carrier rights, and the operative equipment and properties, with which we are here concerned. The necessary authority to effect the transfer of the California operative authority and properties, will, therefore be granted. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the operative rights or properties herein authorized to be transferred. No monies are to be paid for said transfer nor are any obligations for the payment of money to be incurred in connection therewith.

ORDER

An application therefor having been filed, and the Commission having found, that the proposed transfer will not be adverse to the public interest,

IT IS ORDERED:

(1) That Carrie E. Ginocchio, doing business as Nevada California Transportation Company, after the effective date hereof,

and on or before December 12, 1952, may transfer to herself and to applicants John R. Ginocchio and Bertha E. Wheeler, copartners doing business as Nevada California Transportation Company, the highway common carrier operative rights acquired by Decision No. 45179 and the operative equipment, described in the instant application and that said partners may acquire said operative rights and equipment pursuant to the Partnership Agreement attached as Exhibit "D" to the application herein and thereafter exercise all rights under the certificates of public convenience and necessity issued by the Commission and now held by applicant Carrier E. Ginocchio.

(2) That the authority herein granted is subject to the following conditions:

- (a) Within thirty (30) days after the consummation of the transfer herein authorized, the applicants, as partners, shall notify the Commission in writing of that fact, and shall, within said period, file, with the Commission, a true copy of any bill of sale or other instrument of transfer, if any, which may have been executed to effect such transfer.
- (b) Within sixty (60) days after the effective date hereof applicants shall file in triplicate, and concurrently make effective, appropriate tariffs, on not less than five (5) days' notice to the Commission, and the public.

Except, as otherwise expressly provided herein the effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 24th day of September, 1952.

R. J. Imboden
Bertha E. Wheeler PRESIDENT
Harold P. Kull

COMMISSIONERS