

**ORIGINAL**Decision No. 49527

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
 CHARLES MANFRE TRANSPORTATION CO., )  
 INC., a corporation, to sell and )  
 JOE J. ROSSI & CO. INC., a corpora- )  
 tion, to purchase certain certifi- )  
 cated rights. )

Application No. 34913

O P I N I O N

The two applicants in this matter will be referred to as "Manfre" and "Rossi," respectively. They have jointly filed this application for authority to transfer a certain operating right from Manfre to Rossi.

This right is a statewide petroleum irregular route  
 (1) right created by Decision No. 44566 in Application No. 31209, the actual grant being to Charles Manfre, an individual. It was transferred to the applicant (Manfre) corporation under authority of Decision No. 45195 in Application No. 31957.

No equipment is involved. Manfre intends to dispose of its petroleum equipment to another purchaser. The purchase price reflects the costs of obtaining the certificate and the two transfers together with the cost of filing tariffs. This sum is now in escrow and will be paid to Manfre when the Commission's authority has been obtained.

As justification for the proposed transfer the application recites various facts. Charles Manfre, the sole stockholder and operator of applicant Manfre, has other businesses and has insufficient time for this operation. The applicant Rossi is thoroughly

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(1) Defined in Section 3514 Public Utilities Code.

qualified both financially and otherwise to conduct the proposed operations. Rossi has a petroleum contract carrier permit which it proposes to surrender if the authority requested here is granted.

The president and general manager of Rossi has been in the transportation business since 1940. Service has been rendered under the petroleum contract permit for several years. Therefore, while primarily a carrier of forest products, applicant is well qualified by experience to engage in the transportation of petroleum.

There appears to be nothing in this transaction adverse to the public interest, and the necessary authority will be granted. A public hearing is not necessary.

Joe J. Rossi & Co. Inc. 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.

The action taken herein shall not be construed to be a finding of the value of the rights and 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 is not necessary and that the application should be granted as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

(1) That Charles Manfre Transportation Co. Inc. may transfer its operative right, represented by the certificate of public convenience and necessity referred to in the preceding opinion, to Joe J. Rossi & Co. Inc.

(2) That within thirty days after the consummation of the transfer herein authorized, applicant Joe J. Rossi & Co. Inc. 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 which may have been executed to effect said transfer.

(3) That within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicants shall supplement or reissue the tariffs and timetables on file with the Commission naming rates, rules, regulations and schedules governing the common carrier operations here involved to show that Charles Manfre Transportation Co. Inc. has withdrawn or canceled and Joe J. Rossi & Co. Inc. has adopted or established as its own said rates, rules, regulations and schedules.

The authority herein granted will become effective twenty days after the date hereof.

Dated at San Francisco, California, this 5th day of January, 1954.

R. J. [Signature]  
President  
James J. [Signature]  
James J. [Signature]  
John E. [Signature]  
Deane [Signature]  
Commissioners