

ORIGINALDecision No. 50207

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of THOMAS R. ZITELLI)
 dba SAN JOSE, AGNEW and ALVISO STAGE,)
 to sell and FLOYD W. and HAZEL G.)
 BUSHNELL, to purchase a passenger and)
 express bus service operated between)
 San Jose and Santa Clara, California,)
 and Agnew and Alviso, California.)

Application No. 35414

O P I N I O N

This application filed May 11, 1954 requests an order of the Commission authorizing Thomas R. Zitelli to sell and transfer the operating rights and equipment of his business carried on as San Jose, Agnew and Alviso State to Floyd W. Bushnell and Hazel B. Bushnell, husband and wife, to be continued by them. The operative rights involved have been carried on under authority of this Commission as provided in Decision No. 31655 dated January 16, 1939 in Application No. 22483.

The consideration for the operating rights and equipment, including a 1951 International 21-passenger bus, is the sum of \$2,750. This money is to be raised by the buyers by the issuance of a promissory note in the amount of \$2,750, the estimated value of the bus.

The purchasers have informed the Commission that they have borrowed from the Bank of America the sum of \$2,750 and issued their note also executed by the seller in the amount of \$3,135 which includes principal and interest at approximately 7 per cent. The note is payable \$122 on May 5, 1954 and the balance in 23 equal monthly installments of \$131 each.

The purchasers for the last nine years have been managing the business and operating the bus for the seller. They appear to have sufficient experience and their financial resources appear adequate, in view of the fact that they will devote all their time to this enterprise. The rates proposed constitute a reduction. The Commission finds that the transfer as proposed will not be adverse to the public interest. Consequently, the transfer will be authorized pursuant to the agreement, copy of which was filed with the application. We find that the execution of the note above referred to is reasonably required for this purpose. A public hearing is unnecessary.

O R D E R

Application having been made for an order authorizing the transfer of operative rights and properties, the Commission having considered the matter and being of the opinion that a public hearing is not necessary, and that the application should be granted,

IT IS ORDERED that:

1. Within sixty days after the effective date hereof the operative rights issued in Decision No. 31655, dated January 16, 1939, in Application No. 22488, and the equipment of Thomas R. Zitelli doing business as San Jose, Agnew and Alviso Stage may be transferred to Floyd W. Bushnell and Hazel G. Bushnell and that said purchasing applicants may thereafter exercise the rights so granted by said decision. Applicants Floyd W. and Hazel G. Bushnell may execute the note above referred to.
2. The action taken herein shall not be construed to be a finding of the value of the rights or property herein authorized to be transferred.
3. Within thirty days after the consummation of the transfer herein authorized the purchasers shall notify the Commission in writing of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may have been executed to effect such transfer.

- 4. In accordance with the Commission's General Order No. 79 and concurrently with the transfer authorized by paragraph (1) hereof, on not less than five days' notice to the Commission and the public, applicants, both the seller and the buyers, shall unite in common supplements to tariffs of seller, on the one hand, the seller withdrawing from his present tariffs and supplements, and on the other hand the buyers establishing appropriate tariffs.
- 5. This order shall become effective when applicants have paid the minimum fee of \$25 as required by Section 1904 of the Public Utilities Code.

Dated at San Francisco, California, this 29
 day of June, 1954.

John E. Mitchell
 President

James J. Calmes

Deane Roggins

 Commissioners

