

Decision No. 50533**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GIACOMAZZI BROS. TRANSPORTATION CO.,)
 a corporation, to sell, and L. W.)
 POTTER, an individual, doing business) Application No. 35648
 as L. W. POTTER TRUCKING COMPANY, to)
 purchase a petroleum irregular route)
 carrier certificate to serve between)
 all points in California.)

O P I N I O N

This application filed July 28, 1954 requests an order of the Commission which would authorize Giacomazzi Bros. Transportation Co., a corporation, to sell and transfer its operative rights to L. W. Potter, doing business as L. W. Potter Trucking Company, and would authorize said L. W. Potter to purchase said operative rights. The operative rights of applicant Giacomazzi Bros. Transportation Co. were issued in Decision No. 44587 dated July 25, 1950 in Application No. 31140 and acquired by applicant corporation in Decision No. 45818 dated June 21, 1951 in Application No. 32392.

Applicant Potter presently possesses authority to serve as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products in pump or vacuum type tank trucks and trailers between all points and places in the counties of Kern, San Luis Obispo, Santa Barbara and Ventura provided the point of origin or destination is within two miles of an oil well or oil well site. (1) Applicants have entered into an oral contract wherein the consideration for the transfer of the certificate is \$1,000, of

(1) Decision No. 45681 dated May 8, 1951 in Application No. 32088 and Decision No. 45955 dated July 17, 1951 in Application No. 32088.

which \$500 is to be paid five days after the effective date of the Commission's order authorizing the transfer and the balance of \$500 to be paid within 90 days after said effective date.

As justification for the proposed transfer, it is alleged that Giacomazzi Bros. Transportation Co. wishes to discontinue serving the public generally as a petroleum irregular route carrier and desires to devote its services and facilities primarily to a single shipper as a petroleum contract carrier. This applicant also asserts that it is now and has been conducting an operation as a petroleum irregular route carrier and rendering all the service requested of it by the shipping public pursuant to the scope and terms of its certificate.

It is claimed the proposed transaction will be beneficial to L. W. Potter and to the public. Applicant Potter alleges that he has had extensive experience in the transportation of petroleum products in the state under his restricted certificates; that he has the capital and financial ability to expand his operations and offer the public an adequate service; that with the operative rights herein sought to be acquired, he will be able to provide a more complete and extensive service. The application discloses that he presently owns adequate equipment, has experienced personnel and has adequate financial ability to operate properly under the certificate sought to be acquired. Any additional equipment which may appear to be needed in the future can be acquired by this applicant in view of his satisfactory financial position.

Upon reviewing this matter the Commission finds that the proposed transfer will not be adverse to the public interest and

should be authorized. A public hearing is not necessary. The action taken herein shall not be construed as a finding of the value of the rights 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 unnecessary and that the proposed transfer of operative rights is not adverse to the public interest,

IT IS HEREBY ORDERED:

(1) That on or before November 1, 1954 Giacomazzi Bros. Transportation Co., a corporation, may sell and transfer to L. W. Potter, doing business as L. W. Potter Trucking Company, its operative rights referred to in the preceding opinion upon the terms stated therein, and the latter may acquire and thereafter operate the same.

(2) That within thirty days after completion of the transfer herein authorized, applicant Potter shall so notify the Commission in writing and within said period shall file with it true copies of any instruments executed to effect such transfer.

(3) That in accordance with the Commission's General Order No. 80 and concurrently with the transfer authorized by ordering paragraph (1) hereof, on not less than five days' notice to the Commission and the public, applicant L. W. Potter shall within the period provided in said ordering paragraph (1) institute service under the operative rights hereby acquired and shall amend tariffs on file with the Commission naming rates, rules and regulations governing the operations herein involved to show that

Giacomazzi Bros. Transportation Co., a corporation, has withdrawn and L. W. Potter, doing business as L. W. Potter Trucking Company, has adopted as his own said rates, rules and regulations.

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

Dated at San Francisco, California, this 14th day of September, 1954.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners