

Decision No. ~~50585~~**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
O. K. TRUCKING COMPANY, a corporation,)	
to sell, and RICHARD L. CADEMARTORI,)	
an individual doing business as)	Application No. 35457
R. L. CADEMARTORI TRUCKING CO., to)	(Amended)
purchase certain highway common)	
carrier operative rights.)	

O P I N I O N

An order is sought authorizing Richard L. Cademartori to purchase and O. K. Trucking Company to sell the operative rights acquired by Decision No. 40156 dated April 15, 1947 in Application No. 28327.

O. K. Trucking Company alleges that it desires to withdraw entirely from engaging in the intrastate transportation of fresh fruits and vegetables between Sacramento and San Joaquin River delta points and San Francisco and Oakland.

A copy of an agreement of sale dated March 30, 1954, marked Exhibit A, is attached to the application and provides that the seller is to transfer the above-mentioned operative rights for the sum of \$2,000 of which sum \$500 has heretofore been paid seller and the balance of \$1,500 shall be paid when the proposed sale shall have been authorized by the Commission.

O. K. Trucking Company alleges that operating rights it possesses, other than those the authority to transfer which is sought, permits it to serve the points of Knightsen and Oakley; that the right to serve such points is also encompassed within the right proposed to be transferred. Further, O. K. Trucking Company requests that, if the Commission authorizes the proposed transfer, it contemporaneously prohibit it from rendering service to and from Knightsen and Oakley.

The application discloses that Richard L. Cademartori has been engaged in the trucking industry since 1947, specializing in the transportation of fresh fruits and vegetables from the delta region.

The application further discloses that the said Cademartori possesses adequate financial resources and sufficient equipment to render service under the certificate herein involved.

We find that the public interest will not be adversely affected by approval of the proposed transfer. The application will be granted. In so doing we make no finding as to the value of such operative rights. A public hearing is not necessary.

Richard L. Cademartori 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

An application having been filed, the Commission being of the opinion that the authority requested should be granted,

IT IS ORDERED:

(1) That O. K. Trucking Company, a corporation, after the effective date hereof and on or before November 15, 1954, may sell and transfer to Richard L. Cademartori, the operative rights acquired under authority granted by Decision No. 40156 dated April 15, 1947, and the latter may acquire and thereafter operate the same, such sale

and transfer to be made in the manner hereinbefore set forth.

(2) That, within thirty days after completion of the transfer herein authorized, Richard L. Cademartori shall so notify the Commission, in writing, and within said period shall file with it true copies of the instruments executed to effect such transfer. Upon receipt by the Commission of such notice, the authority of O. K. Trucking Company to operate a service as a highway common carrier to and from Knightsen and to and from Oakley shall be deemed canceled and revoked.

(3) That, within ninety days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicants shall amend tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that O. K. Trucking Company has withdrawn and Richard L. Cademartori 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 28th day of SEPTEMBER, 1954.

John E. Mitchell
President

Justice J. Caswell

Samuel H. Patten

Gene Higgins

Ralph Intereven
Commissioners