

ORIGINALDecision No. 53399

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Henry C. Santos,)
 Carl C. Maglia and Paul M. Petruzzelli,)
 dba State Transit Co., to obtain)
 transfer of Certificate of Public)
 Convenience and Necessity issued to) Application No. 38098
 Samuel A. Shootkevich and)
 Benedict B. Shootkevich under)
 Decision No. 44159, dated May 9,)
 1950, in Application No. 30748.)

O P I N I O N

By this application filed June 4, 1956, Samuel A. Shootkevich and Benedict B. Shootkevich seek authority to sell, and Henry C. Santos, Carl C. Maglia and Paul M. Petruzzelli request authority to purchase, the operative rights issued by Decision No. 44159, dated May 9, 1950, in Application No. 30748. Two thousand dollars is the consideration for the operative equipment and good will. No payment is to be made for operative rights as such. The seller has been engaged in the business of transporting new uncrated furniture between various points under the fictitious name of State Transit Co. The purchasers will use this name in carrying on the same operation and will adopt the tariff which sellers now have on file with the Commission..

The three purchasers have been engaged in business as partners under the fictitious name of C & H Transfer Company since January 1953 under permits as household goods carrier, city carrier and radial highway common carrier. The sellers wish to withdraw from business as highway common carriers. The purchase price of \$2,000 has been paid. The net worth of the partnership of C & H Transfer Company is \$18,762. The statement of profit and loss submitted by the purchasers indicates a successful operation.

The purchasers appear to have sufficient financial resources and experience to successfully carry on the operations under the operative rights sought to be transferred. The Commission finds that the transfer proposed will not be adverse to the public interest. The action taken herein shall not be construed to be a finding of the value of the rights or properties herein authorized to be transferred. A public hearing is not necessary.

O R D E R

The Commission having considered the above-entitled application and being of the opinion that the proposed transfer is not adverse to the public interest and should be granted, therefore,

IT IS HEREBY ORDERED:

1. That after the effective date hereof and on or before September 30, 1956, Samuel A. Shootkevich and Benedict B. Shootkevich may transfer their certificate of public convenience and necessity issued by Decision No. 44159, dated May 9, 1950, in Application No. 30748, and operating equipment to Henry C. Santos, Carl C. Maglia and Paul M. Petruzzelli who may thereafter exercise said rights.

2. That 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.

3. That on not less than five days' notice to the Commission and to the public, applicants shall supplement or reissue the tariff on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Samuel A. Shootkevich and Benedict B. Shootkevich have

withdrawn and that Henry C. Santos, Carl C. Maglia and Paul M. Petruzzelli have adopted or established, as their own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

By accepting the certificate of public convenience and necessity herein authorized to be transferred, applicants Henry C. Santos, Carl C. Maglia and Paul M. Petruzzelli are placed on notice that they will be required, among other things, to keep their books in accordance with the uniform system of accounts prescribed by the Commission.

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

Dated at San Francisco, California, this 15th day of July, 1956.

John E. Mitchell
President
Justus J. Casense
Paul H. Kutterer
William H. Dooly

Commissioners

Commissioner Rex Hardy, being necessarily absent, did not participate in the disposition of this proceeding.