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**ORIGINAL**

Decision No. \_\_\_\_\_

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Elmer G. Filomeo, Joseph DeMartini, )  
 and Bruno Nardi, co-partners, doing )  
 business as Diablo Transportation )  
 Co., to acquire, and James E. Doyle, )  
 an individual, doing business as )  
 Doyle Draying Company, to transfer )  
 to Diablo Transportation Co., )  
 certificate of public convenience )  
 and necessity issued under Decision )  
 No. 36634. )

Application No. 39501

O P I N I O N

James E. Doyle, doing business as Doyle Draying Company, requests authority to sell and Elmer G. Filomeo, Joseph De Martini and Bruno Nardi, co-partners, doing business as Diablo Transportation Co., request authority to purchase the highway common carrier operative rights created by Decision No. 36634, dated September 28, 1943, in Application No. 25316, for a cash consideration of \$1,500.

The certificate to be transferred authorizes the transportation of property between San Francisco and Oakland, on the one hand, and the U. S. Navy Depot near Port Chicago, on the other hand.

The purchasers presently conduct a permitted operation under the authority of a radial highway common carrier permit. They own and operate three trucks, two tractors, two semi-trailers and five full trailers. As of September 1, 1957, they indicate a net worth of \$60,724.99.

After consideration the Commission is of the opinion and so finds that the proposed sale and transfer would not be adverse to the public interest, and the application will be granted. A public hearing does not appear to be necessary.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That on or before February 1, 1958, James E. Doyle, doing business as Doyle Draying Company, may sell and transfer and Elmer G. Filomeo, Joseph De Martini and Bruno Nardi, co-partners, doing business as Diablo Transportation Co., may purchase and acquire the operative rights created by Decision No. 36634, dated September 28, 1943, in Application No. 25316.
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 be executed to effect said transfer.
3. That, on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall amend or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that James E. Doyle, doing business as Doyle Draying Company, has withdrawn or canceled and Elmer G. Filomeo, Joseph De Martini, and Bruno Nardi, co-partners, doing business as Diablo Transportation Co., have adopted or established as their own said rates, rules and

regulations. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1957.

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