

ORIGINALDecision No. 58834

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 HENRY C. SANTOS, CARL C. MAGLIA and)
 PAUL M. PETRUZZELLI, doing business)
 as STATE TRANSIT CO., to transfer) Application No. 41285
 certificate of public convenience)
 and necessity to HENRY C. SANTOS.)

O P I N I O N

By this application filed July 7, 1959 and amended July 22, 1959, the above-named partners request an order authorizing the distribution of their assets so that Henry C. Santos will acquire and be the sole owner of the certificate of public convenience and necessity granted by Decision No. 53399, dated July 13, 1956, in Application No. 38098, together with the firm name and two of the firms' five automotive vans and one third of its other assets including cash and accounts receivable.

The other two partners wish to withdraw from this phase of the partnership business and have formed a new partnership and will carry on separately from applicant Santos, operating under permits of this Commission. No amount is stated as consideration for the operative rights.

Applicant Santos filed with the application a financial statement showing unincumbered assets of \$44,914.11. This applicant, who has been an active partner in the firm of himself and the other two parties Carl C. Maglia and Paul M. Petruzzelli, doing business as State Transit Co., is found to have adequate experience and financial worth to successfully carry on the business under this certificate. Also, the Commission finds that the proposed transfer

of operating rights and equipment will not be adverse to the public interest, and will be authorized. A public hearing is unnecessary. The action taken herein shall not be construed to be a finding of the value of the operative rights or equipment herein authorized to be transferred.

O R D E R

Application therefor having been filed and the Commission being of the opinion that it should be granted,

IT IS ORDERED:

(1) That Henry C. Santos, Carl C. Maglia and Paul M. Petruzzelli are authorized to transfer to Henry C. Santos the operative rights granted by Decision No. 53399, dated July 13, 1956, in Application No. 38098, together with the operative equipment described in the Agreement of Sale dated May 1, 1959, executed by said applicants and attached to the application as Exhibit "A," such transfer to be pursuant to such Agreement.

(2) That on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of the transfer authorized in paragraph (1) hereof, applicants shall supplement or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the common carrier operations here involved, to show that Carl C. Maglia and Paul M. Petruzzelli have withdrawn, and that Henry C. Santos has adopted or established as his own, said rates, rules and regulations. The tariff filing 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.

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

Dated at San Francisco, California, this 27th day of July, 1959.

Ernest R. Boy
President

William J. ...

Theodore ...

Commissioners