

Decision No. 58964**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 LUCILE McLAUGHLIN, Executrix of the  
 Estate of M. McLAUGHLIN, for authority  
 to transfer the Petroleum Irregular  
 Route Carrier Certificate, granted by  
 Decision No. 44245, dated May 26, 1950,  
 in Application No. 31098, together  
 with certain equipment used in such  
 operations, to VINCENT J. GANDUGLIA  
 (VINCENT GANDUGLIA TRUCKING CO.).

Application No. 41328

O P I N I O N

By this application filed July 22, 1959, Lucile McLaughlin, as Executrix of the Estate of M. McLaughlin, deceased, requests authority to sell and transfer and Vincent J. Ganduglia to acquire the operative property and operative rights as defined in the certificate of public convenience and necessity issued by Decision No. 44245, dated May 26, 1950, in Application No. 31098. The decree of distribution of the Superior Court in and for the County of Fresno lists the physical property to be transferred and indicates that it was appraised at \$15,000. This is the sum which the purchaser proposes to pay for it. No separate consideration is to be paid for the operative rights.

The fifteen thousand dollars to be paid, \$5,000 as a down payment upon approval of the transfer by this Commission and the balance of \$10,000 is to be paid in thirty-six equal monthly installments, together with interest at the rate of six per cent per annum on the unpaid balance, with payments to commence one month after such Commission approval.

It is further agreed that the legal ownership of the equipment shall remain in the name of the transferor and the registered ownership shall be placed in the name of the transferee until such time as the entire purchase price has been paid at which time the legal ownership will be transferred to the transferee. Adequate public liability and collision insurance is also to be carried by transferee.

The purchasing applicant appears to be adequately experienced to successfully carry on this business. His financial statement indicates an adequate net worth for the purpose of this application.

The action taken herein shall not be construed as a finding of the value of the rights herein authorized to be transferred. The Commission is of the opinion and finds that the public interest will not be adversely affected by the proposed transfer and that the money, property or labor to be procured or paid for by the issue of the obligations herein authorized is reasonably required for the purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expense or income, that a public hearing is not necessary and that the application should be granted.

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 on or before November 1, 1959, Lucile McLaughlin, Executrix of the Estate of M. McLaughlin, deceased, is authorized to transfer to Vincent J. Ganduglia, the operative rights granted by said Decision No. 44245 and the properties as described in the above application, pursuant to the agreement, copy of which is attached to said application as Exhibit "C".

(2) That, within thirty days after the consummation of the transfer herein authorized, the purchaser 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 Lucile McLaughlin, as Executrix of the Estate of M. McLaughlin, has withdrawn or canceled, and Vincent J. Ganduglia has adopted or established as his 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.

(4) That applicant Vincent J. Ganduglia is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety, rules and regulations of the Commission's General Order No. 99. Failure to file such reports in such form and at such time as the Commission may direct or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority referred to in paragraph (1) of this order.

(5) That the purchasing applicant may execute a note in the principal amount of not exceeding \$10,000, payable over a period of 36 months in equal annual installments, in partial payment for the property to be acquired.

(6) That the purchasing applicant shall file a report or reports, as required by General Order No. 24-A, which order insofar as applicable, is made a part of this order.

The authority herein granted will become effective when applicant Ganduglia has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.

Dated at San Francisco, California, this 1<sup>st</sup>  
day of September, 1959.

Robert R. [Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Theodore [Signature]  
Commissioners

