

ORIGINAL

Decision No. 63438

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, doing)
business as DIABLO TRANSPORTATION)
CC., to transfer certificate of)
public convenience and necessity)
to ELMER G. FILOMEO and BRUNO NARDI,)
co-partners.)

Application No. 44188

O P I N I O N

Elmer G. Filomeo, Joseph DeMartini and Bruno Nardi, doing business as Diablo Transportation Co. request authority to transfer certain highway common carrier rights and property to Elmer G. Filomeo and Bruno Nardi.

The operative rights were acquired under authority granted by Decision No. 55920 in Application No. 39501 and authorized 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. In addition to the operative rights the transfer includes applicant DeMartini's partnership interest in 22 units of equipment, terminal facilities, fixtures and office equipment. The agreed consideration is \$25,000 secured by a promissory note payable at the rate of \$400 a month with interest at six percent per annum.

As of November 30, 1961 the new copartnership of Elmer G. Filomeo and Bruno Nardi indicated a net worth in the amount of \$52,058.36.

It is alleged that applicant DeMartini desires to retire from the partnership and to sell his one-third interest to the remaining two partners.

After consideration the Commission finds and concludes that the proposed transfer would not be adverse to the public interest and that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required for the purposes specified herein, and that such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. A public hearing is not 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 July 1, 1962, Elmer G. Filomeo, Joseph DeMartini, and Bruno Nardi are hereby authorized to transfer and sell and Elmer G. Filomeo and Bruno Nardi are hereby authorized to purchase and acquire, the operative rights acquired under authority granted by Decision No. 55920 in Application No. 39501 as well as the property referred to in the application.
2. That, within thirty days after the consummation of the transfer herein authorized, 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, applicants shall, effective concurrently with the consummation of such transfer, 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 applicant sellers have withdrawn or canceled, and applicant buyers 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.

4. That, after the effective date hereof, Elmer G. Filomeo and Bruno Nardi may issue a note in the principal amount of not to exceed \$25,000 for the purposes specified in this application.

The authority herein granted to issue a note will become effective when applicant purchasers have paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.00. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at SAN FRANCISCO, California, this 20th day of MARCH, 1962.

Geoffrey B. Page

President

John J. [unclear]

George T. Hoover

Fredrick B. Hallock

Commissioners

Commissioner C. Lynn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

