

ORIGINAL

Decision No. 66393

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION
OF ALAN T. MARGOT and FREDERICK
MARTINELLI, doing business as
COMMUNICATIONS ENGINEERING COMPANY,
a radio Common Carrier, FOR ORDER
AUTHORIZING DISSOLUTION of
PARTNERSHIP and TRANSFER of ASSETS
and LIABILITIES, PUBLIC UTILITIES
CODE SECTION 851.

Application No. 45947
Filed November 12, 1963

O P I N I O N

Alan T. Margot and Frederick Martinelli are partners engaged in a radio common carrier business operating under the fictitious name of Communications Engineering Company. In this application they seek authority from this Commission to dissolve the partnership and for the partners to transfer the assets to Alan T. Margot, as an individual.

The partners operate as a radiotelephone utility within a radius of approximately forty miles from the City of Porterville pursuant to authority set forth in a portion of Decision No. 62156, dated June 20, 1961, in Case No. 6945. They have agreed to dissolve and terminate the partnership in accordance with a written agreement whereby Alan T. Margot will pay to Frederick Martinelli the sum of \$3,000 for the latter's interest in the partnership, of which \$1,500 will be paid immediately upon dissolution of the partnership and the balance of \$1,500, without interest, will be paid two

years thereafter. The application shows that Frederick Martinelli is not actively engaged in the management of the business known as Communications Engineering Company, but that Alan T. Margot is so engaged. It appears that there will be no change in rates or service to the public as a result of the transfer.

The Commission has considered this matter and is of the opinion, and finds, that (1) the proposed transfer will not be adverse to the public interest; (2) the money, property or labor to be procured or paid for by the execution of the evidence of indebtedness herein authorized is reasonably required for the purpose specified herein; and (3) such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income. On the basis of these findings we conclude that the application should be granted. A public hearing is not necessary.

The authorization herein granted shall not be construed to be a finding of the value of the property herein authorized to be transferred nor as indicative of amounts to be included in a future proceeding for the purpose of fixing just and reasonable rates.

O R D E R

IT IS ORDERED that:

1. Alan T. Margot and Frederick Martinelli, doing business as Communications Engineering Company, on or after the effective date hereof and on or before June 30, 1964, may dissolve and terminate their partnership, and may sell and transfer to Alan T. Margot, as an individual, their radio-telephone utility facilities together with the related operating rights, in accordance with the terms and conditions contained in the agreement, a copy of which is attached to the application as Exhibit A.

2. Alan T. Margot, in acquiring the interest of Frederick Martinelli in said facilities and rights, may execute and enter into said agreement which, among other things, provides for the payment of \$1,500, without interest, two years after the effective date of dissolution of said partnership.

3. As a condition of the authority herein granted, Alan T. Margot is directed to continue the public utility responsibilities of Alan T. Margot and Frederick Martinelli, doing business as Communications Engineering Company, with respect to the area served by the properties being transferred.

4. The tariffs of Alan T. Margot and Frederick Martinelli, doing business as Communications Engineering Company, now on file with this Commission, shall be refiled within thirty days after the date of actual transfer under the name of Alan T. Margot, in accordance with the procedure prescribed in General Order No. 96-A or, in lieu of such refiling, Alan T. Margot may file a notice of adoption of said presently filed tariffs. No increase in the presently filed tariffs shall be made unless authorized by this Commission.

5. On or before the date of actual transfer of the specific properties herein authorized, Alan T. Margot and Frederick Martinelli, doing business as Communications Engineering Company, shall transfer and deliver to Alan T. Margot, and the latter shall receive and preserve all records, memoranda and papers pertaining to the construction and operation of the radiotelephone utility authorized to be transferred.

6. If the authority herein granted is exercised, Alan T. Margot shall, within thirty days thereafter, notify this Commission, in writing, of the date of such completion of the property transfer herein authorized and of his compliance with the conditions hereof.

7. Upon compliance with the above ordering paragraphs, Alan T. Margot and Frederick Martinelli, doing business as Communications Engineering Company, are relieved of their public utility responsibilities with respect to the property being transferred coincident with the full assumption of such responsibilities by Alan T. Margot.

8. Alan T. Margot shall file with the Commission a report, or reports, as required by General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

9. This order shall become effective when Alan T. Margot 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 3rd day of DECEMBER, 1963.

William B. Berens
President
George A. Hoover
Frederick B. Hallock
Commissioners

