

ORIGINAL

Decision No. 70941

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of MARTIN A. ROTONDO and ERIC)
MacDONALD, partners doing)
business as TONDO TRUCKING, to)
transfer and ERIC MacDONALD, an)
individual doing business as)
TONDO TRUCKING, to acquire a)
common carrier certificate.)

Application No. 48515
Filed May 27, 1966

O P I N I O N

This is an application for an order of the Commission authorizing Martin A. Rotondo to sell and transfer his interest in a highway common carrier certificate of public convenience and necessity and related assets to Eric MacDonald, and authorizing the latter to assume certain liabilities and obligations.

By Decision No. 60947, dated October 25, 1960, in Application No. 42292, the Commission granted Martin A. Rotondo and Eric MacDonald, copartners doing business as Tondo Trucking, a certificate of public convenience and necessity authorizing them to operate as a highway common carrier of general commodities, with certain exceptions, between various points and places in the San Francisco Bay Area and vicinity.

The application shows that the copartners desire to terminate their partnership and that Martin A. Rotondo has agreed to sell and transfer his interest in the operative rights and related business assets to Eric MacDonald for the sum of \$2,500. The latter proposes to assume payment of certain liabilities and to continue operations as an individual under the name of Tondo Trucking.

Martin A. Rotondo has consented to remain employed on a part-time basis for a period of 36 months in order to aid in changing over to the sole proprietorship without disruption in service to customers.

The Commission has considered this matter and finds that the proposed transactions will not be adverse to the public interest. On the basis of this finding, we conclude that the application should be granted. A public hearing is not necessary. The action taken herein shall not be construed as a finding of the value of the operative rights and other assets to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before September 30, 1966, Martin A. Rotondo may sell and transfer, and Eric MacDonald may purchase and acquire, the former's partnership interest in the highway common carrier certificate of public convenience and necessity and other assets referred to in the application.

2. Eric MacDonald, in acquiring said certificate and other assets, may assume the liabilities and obligations referred to in this proceeding.

3. For accounting purposes the transactions herein authorized may be made effective as of December 31, 1965.

4. Within thirty days after the consummation of the transfer herein authorized, Eric MacDonald 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.

5. Eric MacDonald shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the highway common carrier operations herein to show that he has adopted or established, as his own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. 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-A.

6. Concurrently with the effective date of tariff filings required by Ordering Paragraph No. 5 hereof, the operative rights granted by Decision No. 60947, dated October 25, 1960, in Application No. 42292, are hereby revoked and, in place and stead thereof, a certificate of public convenience and necessity to operate as a highway common carrier is hereby granted to Eric MacDonald, an individual doing business as Tondo Trucking, as more particularly set forth in Appendix A, attached hereto.

7. On or before the end of the third month after the consummation of the transfer as herein authorized, Eric MacDonald shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the partnership for the period commencing with the first day of the current year to and including the effective date of the transfer for accounting purposes, if such date is other than December 31, 1965.

8. The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th day of JULY 1, 1966.

[Signature]
President

George T. Brown

Fredrick B. Halbach

Augustus

[Signature]
Commissioners

Eric MacDonald, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities between all points on and within five miles of the following routes:

1. State Highway 1 between San Francisco and Pacifica, inclusive;
2. U. S. Highways 101 and 101 By-Pass between San Francisco and San Jose, inclusive;
3. State Highway 9 between Oakland and Saratoga, inclusive;
4. State Highway 17 between Oakland and Los Gatos, inclusive;
5. Unnumbered highway between Saratoga and Los Gatos, inclusive;
6. U. S. Highway 40 between San Francisco and San Pablo, inclusive;
7. U. S. Highway 50 between San Francisco and Dublin, inclusive;
8. State Highway 24 between Oakland and Concord, inclusive;
9. State Highway 21 between Walnut Creek and Warm Springs, inclusive;
10. Between all points and places within 10 miles of San Jose, via all routes;
11. Via any and all routes between said points for operating convenience only.

Through routes and rates may be established between any and all points specified in subparagraphs 1 through 10 above.

Issued by California Public Utilities Commission.

Decision No. 70941, Application No. 48515.

Eric MacDonald shall not transport any shipments
of:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
2. Automobiles, trucks and buses; viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock; viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
8. Logs.
9. Fresh fruits and vegetables (not cold pack nor frozen).

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 70941, Application No. 48515.