

**ORIGINAL**

Decision No. 72728

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 GORDON A. GERACI, and JOHN J. DOUMAKES, )  
 Court Appointed Trustees of SQUARE )  
 DEAL TRUCKING CORPORATION, a corpora- )  
 tion, to transfer and of DANIEL TRASK )  
 and WARREN A. ANDRIUZZO, copartners, )  
 doing business as DIRECT MOTOR TRANS- )  
 PORT, a partnership, to acquire a )  
 certificate of public convenience and )  
 necessity. )

Application No. 49413  
(Filed May 29, 1967)

O P I N I O N

Gordon A. Geraci and John J. Doumakes, as court appointed trustees of Square Deal Trucking Corporation, request authority to sell and transfer and Daniel Trask and Warren A. Andriuzzo, copartners, doing business as Direct Motor Transport, request authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a highway common carrier.

The operating authority was granted by Decision No. 60574, dated August 16, 1960, in Application No. 42101, as amended by Decision No. 63090, dated January 9, 1962. Gordon A. Geraci and John J. Doumakes were appointed as trustees of Square Deal Trucking Corporation by order of the Superior Court in and for the County of Los Angeles, dated July 18, 1966, for the purpose of winding up the affairs of said corporation. The agreed cash consideration for the transfer of the rights herein considered is \$2,500.

Applicant purchasers are presently engaged in the transportation of general commodities pursuant to permits duly issued by this Commission. As of December 31, 1966, applicant purchasers indicate a net worth in the amount of \$16,302.37.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of the value of the rights herein authorized to be transferred.

Daniel Trask and Warren A. Andriuzzo are hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1967, Gordon A. Geraci and John J. Doumakes, Court Appointed Trustees of Square Deal Trucking Corporation, a corporation, may sell and transfer, and Daniel Trask and Warren A. Andriuzzo may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Daniel Trask and Warren A. Andriuzzo 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. Daniel Trask and Warren A. Andriuzzo shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show that they have adopted or established, as their own, said rates and rules. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty 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.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Daniel Trask and Warren A. Andriuzzo 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 seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

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

Dated at San Francisco, California, this 14th day of JULY, 1967.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners