

Decision No. ~~37578~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOE TESTO and MIKE TESTO, doing)
business as TESTO BROTHERS, for a) Application No. 25548
suspension of certificate of public)
convenience and necessity.)

BY THE COMMISSION:

ORIGINAL

OPINION

The Commission has heretofore granted a certificate of public convenience and necessity to Joe Testo and Mike Testo, doing business as Testo Brothers, authorizing service as highway common carrier of fresh fruits and vegetables from Stockton, and within a radius of twenty miles thereof, on the one hand, to Los Angeles, on the other hand.
(1)

At the time the certificate was granted, Mike Testo, one of the applicants, was in the military service of the United States, and the other, Joe Testo, was subject to induction into the army at some future date. Accordingly, there was filed with the Commission on behalf of both applicants a request for permission to suspend the service which had been authorized by Decision No. 34179. Said request was based upon the contention that because of the absence of one partner, and the probable absence of the other, it was impossible for applicants to continue the service. The Commission gave due consideration to all of the circumstances and on August 3, 1943, issued its Decision No. 36533, authorizing the suspension of said service until December 31, 1944.

(1) Decision No. 34179, dated May 13, 1941, on Application No. 23796.

In the application now before us, executed by the attorneys representing the Testos, it is alleged that there have been no changes in the conditions or circumstances which prompted the Commission to issue its previous authority to suspend service; that said Mike Testo is still in the military service of the United States; and that it is impossible to arrange for the resumption of the service involved. Applicants, therefore, request a further extension of the time within which to resume operation to and including the 31st day of December, 1945.

Upon full consideration of the matter we are of the opinion that ample reason exists for an extension of the period of suspension, and the application will, therefore, be granted. There appears no need for a public hearing.

ORDER

IT IS ORDERED that Joe Testo and Mike Testo may suspend highway common carrier operations from Stockton and all points within a radius of twenty miles thereof, on the one hand, to Los Angeles, on the other hand, as authorized by Decision No. 34179, until December 31, 1945, subject to the following conditions:

- (a) Applicants shall immediately supplement their tariffs and time tables to reflect the foregoing authority.

(b) Said service may be resumed upon not less than ten (10) days' notice to the Commission prior to the expiration of the period of suspension herein specified or of such extension thereof as may be hereafter granted by further order, and upon compliance with the provisions of General Order No. 80 and Part IV of General Order No. 93-A.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd day of January, 1945.

Richard Lachse
Justin J. Carver
Francis A. ...
Walter ...
COMMISSIONERS