

Decision No. 38455

ORIGINAL

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 )  
suspension of certificate of public )  
convenience and necessity. )

Application No. 25548

OPINION AND ORDER

In Decision No. 34179 Joe Testo and Mike Testo, copartners doing business under the name of Testo Brothers, were granted a certificate of public convenience and necessity authorizing operation as highway common carriers of fresh fruits and vegetables from Stockton, and within a radius of twenty miles thereof on the one hand and Los Angeles, on the other hand.

The service was inaugurated in June 1941. Upon request of applicants it was twice suspended upon the allegation that the applicants were in the military service of the United States. (1) A further suspension to December 31, 1946, is now sought by applicants on the ground that

"... the said Mike Testo is still in the Military Service of the United States of America, and under existing circumstances it is impossible to arrange for the continuation or the resumption of the operation involved, and applicants respectfully petition for extension of the said suspension of its highway common carrier operations, to and including the 31st day of December, 1946."

In view of this situation it appears to us that applicants should be granted a reasonable further suspension, but that in any event the service should be resumed not later than June 30, 1946. Failing in that, the Commission will give consideration to the matter of revoking this certificate. We are, therefore, of the opinion, and so find, that the suspension should be limited to June 30, 1946.

(1) Decisions Nos. 36533 and 37578, on Application No. 25548.

IT IS ORDERED that Joe Testo and Mike Testo may suspend their highway common carrier operation 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 June 30, 1946, 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 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 27<sup>th</sup> day of November, 1945.

Edward C. Anderson  
Justin J. Cravens  
Francis W. Lane  
Walter H. Dwyer  
Harold P. Huls  
 COMMISSIONERS