

ORIGINAL

Decision No. 43216

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TONY LUCCHETTI)
(LUCCHETTI FREIGHT LINES), for)
Radial Highway Common Carrier) Application No. 39-4209
Permit, Stockton.)

Application of TONY LUCCHETTI)
(LUCCHETTI FREIGHT LINES), for)
Highway Contract Carrier Permit,) Application No. 39-4210
Stockton.)

Francis X. Vieira and Joseph D. Michael for applicant.
Harold J. McCarthy for Transportation Department, Public
Utilities Commission of the State of California.
E. J. Muzio for Motor Transport System, and C. A. Millen
for Valley Express Co., interested parties.

O P I N I O N

Tony Lucchetti of Stockton, doing business as Lucchetti Freight Lines, by applications filed May 19, 1949, sought permits under the Highway Carriers' Act to operate as a radial highway common carrier and highway contract carrier.

Similar permits previously granted to applicant having been revoked pursuant to the provisions of Section 14½ of the Highway Carriers' Act, the instant applications were set for public hearing.

A hearing was held before Examiner Bradshaw at Stockton on June 8, 1949. Evidence was submitted by several members of the Commission's staff indicating that violations of the Highway Carriers' Act and the Commission's regulations thereunder resulted in the revocations of permits heretofore granted to applicant. Other evidence of record related to for-hire operations conducted by applicant during periods when he did not possess any permits

issued by this Commission authorizing for-hire carrier operations. Testimony was presented by applicant and others on his behalf concerning the circumstances surrounding some of the transactions leading to the revocation of his permits and an arrest for operating without authority.

By order, dated July 19, 1949, the submission of the applications was set aside and the matter reopened for further hearing. Upon the further hearing, which was held on August 9, 1949, a copy of a judgment entered in the Justice's Court of O'Neal Township, San Joaquin County, was received in evidence, indicating that applicant pleaded guilty to nine violations of Section 3 of the Highway Carriers' Act. Applicant's attorney thereupon asserted that applicant has discontinued all for-hire trucking operations, his business being defunct, and moved that the applications on file in these proceedings be dismissed.

Under the circumstances, we are of the opinion that the motion to dismiss the applications should be granted.

O R D E R

The Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED that the applications on file in the above-entitled proceedings be and they are hereby dismissed.

This order shall become effective 20 days after the date hereof.

Dated at San Francisco, California, this 16th day
of August, 1949.

R. Z. [Signature]

[Signature]

Harold P. Kula

COMMISSIONERS