

ORIGINALDecision No. 48830

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 M & S Trucking for authority to)
 discontinue and abandon operation) Application No. 33033
 of an automotive service as a)
 common carrier of property between)
 Benicia and Crockett.)

Joseph C. Silveria, in propria persona.

O P I N I O N

By this application, Joseph C. Silveria, doing business as M & S Trucking, seeks authority to abandon and discontinue his service as a highway common carrier for the transportation of freight between Martinez, Crockett and Vallejo, on the one hand, and Benicia and Benicia Arsenal, on the other hand, as authorized by Decision No. 37377 dated October 3, 1944 in Application No. 26075, and as acquired by Applicant Silveria pursuant to Decision No. 43679 dated January 10, 1950 in Application No. 30852. The property transported by applicant pursuant to the certificate granted by said decision is as follows:

- (a) Shipments moving under the billing of Railway Express Agency, Inc., an express corporation, as an underlying carrier for said corporation.
- (b) Baggage, and shipments of milk and cream and empty containers therefor, which have had or will have, in addition to the movement by applicant, a prior or a subsequent movement by rail.

Public hearing was held before Examiner Rowe in Benicia on February 25, 1952, at which time oral and documentary evidence was adduced and the matter was duly submitted for decision. Notice

of the hearing and of the proposed abandonment was published in a newspaper of general circulation in Benicia January 28, 1952.

Notice thereof was also served on the interested parties.

The Railway Express Agency stated in a letter to applicant that it had no objection to the Commission's authorizing this abandonment, provided that service was continued until December 31, 1951.

As justification for the request, applicant testified that for over two years the operation has proved financially unsuccessful. The gross revenue from the certificated operation has amounted to \$200 per month. Operating expenses have averaged \$45 and \$50 per month. Mr. Silveria has been acting as his own driver and operator. Due to continual attacks of malaria, he can no longer so act. His equipment is in need of repair and new tires, for which he is unable to pay.

Upon full consideration of the record in this proceeding, it is found as a fact that this operation has not been, and cannot be made, profitable under present conditions. Accordingly, the application will be granted.

O R D E R

Application as above entitled having been filed, public hearing having been held, the Commission being fully advised in the premises and the matter being under submission,

IT IS ORDERED:

(1) That Joseph C. Silveria, doing business as M & S Trucking, be, and he hereby is, authorized to abandon and discontinue highway common carrier operations between Martinez, Crockett and Vallejo, on the one hand, and Benicia and Benicia Arsenal, on the

other hand, as acquired pursuant to Decision No. 43679 dated January 10, 1950 in Application No. 30852.

(2) That the operative rights created by the certificate of public convenience and necessity issued by Decision No. 37377 dated October 3, 1944 in Application No. 26075 be, and they hereby are, canceled and revoked.

(3) That applicant's tariffs and time schedules are hereby canceled.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 11th day of March, 1952.

R. J. [Signature]
President
Justin J. [Signature]
Harold P. [Signature]
[Signature]
Commissioners