

ORIGINAL

Decision No. 49806

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
 ALVIN J. CERUTTI and J. B. DAMIANI,)
 co-partners, doing business under the)
 firm name and style of CERUTTI &)
 DAMIANI SERVICE for a Certificate of)
 Public Convenience and Necessity as a)
 Petroleum Irregular Route Carrier of)
 Petroleum and Petroleum Products in)
 bulk in tank trucks and trailers,)
 between all points in the State of)
 California, by reason of operations)
 conducted on and after September 1,)
 1949, Under Radial Highway Common)
 Carrier Permit issued by the Public)
 Utilities Commission of the State of)
 California.)

Application No. 31150

Crossland and Crossland, by Robert
Crossland, for Alvin J. Cerutti
 and J. B. Damiani.

O P I N I O N

The Commission by Order dated January 12, 1954 (Decision No. 49543) revoked the certificate of public convenience and necessity (Decision No. 44227, dated May 23, 1950) which authorized Alvin J. Cerutti and J. B. Damiani to operate a service as a petroleum irregular route carrier. Such order further provided that in the event the said Alvin J. Cerutti and J. B. Damiani, prior to its effective date, filed a written response, the order would be stayed until a hearing was held and a further order issued.

A written response having been filed timely, a public hearing was held before Examiner Silverhart at Fresno on March 4, 1954.

Alvin J. Cerutti testified that he and J. B. Damiani conducted operations as copartners pursuant to the authority granted by Decision No. 44227 until April 1953; that at such time the liquidation of the partnership was commenced; that the partnership

owned and operated four trucks; that said trucks were sold in 1953; that three of such trucks were sold to Cerutti and Thompson Transportation Company, a copartnership consisting of himself and George L. Thompson; that the partnership last named is operating a service as a petroleum irregular route carrier under authority granted by Decision No. 44247, dated May 26, 1950.

The witness testified further that since April 1953 no shipments have been tendered to Cerutti and Damiani; that if any shipments had been offered them they would have been transported by Cerutti and Thompson; that Cerutti and Damiani had canceled their policies of public liability and property damage insurance.

The witness' testimony disclosed that Cerutti and Damiani heretofore informed the Commission in writing that their partnership had been dissolved as of September 1, 1953 and that they had ceased conducting business. Such testimony also revealed that in June 1953 Cerutti had engaged one Elmer Ahl to negotiate a sale of the operative rights represented by Decision No. 44227; that no sale as yet has materialized; that Cerutti desires to retain such rights, not for the purpose of conducting operations thereunder, but only to enable him to dispose of them for a monetary consideration.

The evidence clearly demonstrates that Alvin J. Cerutti and J. B. Damiani have discontinued and abandoned the petroleum irregular route carrier service here involved without first having obtained permission so to do from this Commission. Under such circumstances it is not in the public interest to permit them to retain the operative rights with which we are here concerned. Decision No. 49543 will be affirmed.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that Decision No. 49543, dated January 12, 1954, is affirmed and shall become effective concurrently with the order herein.

The Secretary of the Commission is directed to cause a certified copy of this order to be served upon Alvin J. Cerutti and J. B. Damiani.

The effective date of this order shall be the twentieth day after service thereof upon Alvin J. Cerutti and J. B. Damiani.

Dated at San Francisco, California, this 16th day of March, 1954.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners.