

ORIGINALDecision No. 51647

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEORGE PISTACCHIO, JOSEPH PISTACCHIO)
 and FRANK MONTEVECCHI, co-partners)
 doing business under the firm name)
 and style of G. & J. PISTACCHIO TRUCK-)
 ING, to operate a Highway Common)
 Carrier Service.)

Application No. 36648

O P I N I O N

Applicants are engaged in the transportation of property in California pursuant to permits issued them by this Commission.

They seek an order authorizing them to conduct service as a highway common carrier for the transportation of certain named commodities, between various points and places in California.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

It appears that applicants possess the experience, equipment, personnel and financial resources to institute and maintain the proposed operation.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, the Commission finds that public convenience and necessity require that the application be granted to the extent set forth in the ensuing order. A public hearing is not necessary.

Applicants are hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to George Pistacchio, Joseph Pistacchio and Frank Montevocchi, authorizing them to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points as more particularly set forth in Appendix A attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed upon notice that they will be required, among other things, to file annual reports of their operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such

form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

- (b) Within sixty days after the effective date hereof, and upon not less than five days' notice to the Commission and the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 5th day of July, 1955.

Justin D. Casner
 President
Robert L. ...
...
...

Commissioners

Decision No. 51647
Dated July 5, 1955
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APPENDIX A

George Pistacchio, Joseph Pistacchio and Frank Montevocchi by the certificate of public convenience and necessity, granted in the above-numbered decision, are authorized to transport:

- (1) Roofing or siding, or roofing or siding materials as listed under that heading in Items Nos. 39310 through 39450 of Western Classification No. 75; Cal. P.U.C. No. 8, of George H. Dumas, Agent, on the date of issue thereof and supplements Nos. 27, 41 and 45 thereto, between ~~Emeryville~~ and Fresno.
- (2) Cotton seed in bulk from Five Points, Firebaugh, Chowchilla, El Nido, San Joaquin, Tranquility and Dos Palos, on the one hand; and Los Angeles, Fresno and Richmond, on the other hand.
- (3) Vegetables, fresh or green (not cold pack or frozen), including mushrooms, between Puente, Santa Maria, Guadalupe, Lompoc and Watsonville, on the one hand, and Sanger, on the other hand.
- (4) Fresh tomatoes and pears (not cold pack or frozen), between Merced, West Sacramento, Clarksburg, Walnut Grove and Isleton, on the one hand, and Hayward, Lodi, Oakland, Santa Cruz and Oroville, on the other hand.

The authority hereinabove set forth does not include the right to render service from, to or between intermediate points.