

ORIGINALDecision No. 52756

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ROSE J. ANTONINI, LOUIS E. ANTONINI,)
 VIRGIL J. ANTONINI, co-partners, dba) Application No. 36043
 ANTONINI FRUIT EXPRESS, to Operate a)
 Highway Common Carrier Service.)

O P I N I O N

Rose J. Antonini, Louis E. Antonini and Virgil J. Antonini are engaged in the transportation of property in California pursuant to permits and a certificate of public convenience and necessity issued by this Commission.

Applicants seek an order authorizing them to conduct service as a highway common carrier for the transportation of fresh fruits and vegetables and nuts, generally between all points in San Joaquin County and a 30-mile radius of Hood and Stockton and San Francisco-Oakland Bay points.

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

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. It appears that applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized herein. 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 Rose J. Antonini, Louis E. Antonini and Virgil J. Antonini, 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 ten 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.

(3) The operative right "for the transportation of fruits, vegetables and nuts in boxes, crates and sacks, between Stockton and San Francisco and Oakland" granted by Decision No. 25944, dated May 10, 1933, in Application No. 18720, is cancelled simultaneously with the filings made pursuant to and required by the provisions of paragraph (2) hereof.

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

Dated at San Francisco, California, this 13th day of MARCH, 1956.

John E. McNeill
President

Justin J. Casner

Paul G. Luterer

Michael J. Deady

Pat Hanley
Commissioners

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APPENDIX A

Rose J. Antonini, Louis E. Antonini and Virgil J. Antonini, by the certificate of public convenience and necessity granted in the above-numbered decision, are authorized to transport edible nuts as listed under that heading in Items Nos. 33530 through 33602 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 27, 41, 46 and 47 thereto; : fruits, fresh or green (not cold pack or frozen); and vegetables, fresh or green (not cold pack or frozen), including fresh mushrooms, between Stockton and points within a radius of 30 miles thereof, on the one hand, and Oakland and San Francisco, on the other hand. Such authority does not include the right to render service to, from or between intermediate points.