

Decision No. 52872

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
THERESA GOTELLI, ADOLPH GOTELLI, and)
EDWARD GOTELLI, co-partners, dba N.) Application No. 36046
A. GOTELLI TRUCKING, to Operate a)
Highway Common Carrier Service.)

O P I N I O N

Theresa Gotelli, Adolph Gotelli, and Edward Gotelli 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, including nuts and tomato plants, generally between points within an 150-mile radius of Stockton and points within a radius of 100 miles of Los Angeles and between the points within each such radius.

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 as set forth in the ensuing order. Such order also will restate applicants' highway common carrier operative rights. It appears that applicants possess the experience, equipment, personnel and financial resources to institute and maintain the operation authorized therein. 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 Thoresa Gotelli, Adolph Gotelli and Edward Gotelli, authorising 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 and over the routes 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, applicant 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 granted by Decision No. 34187, dated May 13, 1941, in Application No. 22957, is canceled 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 10th day of April, 1956.

John E. Nicholls
President

Justus J. Calmes

Ronald L. Intaravien

R. Hardy

Commissioners

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APPENDIX A

Theresa Gotelli Adolph Gotelli and Edward Gotelli, by the certificate of public convenience and necessity granted in the above-numbered decision are authorized to transport fruits, fresh or green, (not cold pack or frozen); vegetables, fresh or green, (not cold pack or frozen) including fresh mushrooms; vegetable plants, edible nuts as listed under that heading in Items Numbers 33530 through 33602 of Western Classification Number 75, Cal PUC Number 8, George H. Dumas, Agent, on the issue date thereof and Supplements Numbers 27, 41, 46 and 47 thereto, between

- (1) Sacramento and Los Angeles and intermediate points via U. S. Highway 99, together with places situated within a 20-mile radius of such points located on said highway 99.
- (2) Camarillo, Santa Paula, Oxnard and Fillmore, on the one hand and Stockton and Sacramento, on the other hand.
- (3) Linden and Lodi, on the one hand, and Oakland, Sunnyvale, San Jose and Santa Clara, on the other hand.

The authorities set forth in Paragraphs Numbers 2 and 3 hereof do not include the right to render service to, from or between intermediate points.