

ORIGINALDecision No. 52882

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GRADY S. HEFLEY and AL GOLITI and)
 ROBERT GOLITI, a copartnership do-)
 ing business under the firm name)
 and style of Hefley Trucking Company)
 and GRADY S. HEFLEY, MAYO GOLITI)
 and ROBERT GOLITI, a copartnership)
 doing business under the firm name)
 and style of HEFLEY TRUCKING)
 COMPANY for authority to transfer)
 Certificate of Public Convenience)
 and Necessity to operate a Highway)
 Common Carrier Service.)

Application No. 37788

O P I N I O N

By Decision No. 51652 dated July 5, 1955, in Application No. 36156, a certificate of public convenience and necessity was issued to Grady S. Hefley, Al Goliti and Robert Goliti, partners, authorizing them to conduct service as a highway common carrier between Fresno, San Francisco, and Oakland, serving no intermediate points. This certificate has been accepted. Time for filing rates has been extended to May 14, 1956.¹ On November 15, 1955, according to the allegations of the application filed February 29, 1956, one of the partners, Al Goliti, died. Since that date the company's previous radial highway common carrier operations have been continued by the surviving partners and by Mayo Goliti, who was appointed administrator of the estate of said Al Goliti, deceased. Mayo Goliti, a man of extensive experience in the trucking business, is a brother of Robert Goliti and of the deceased. The surviving interest of the deceased partner, Al Goliti, has been transferred to said Mayo Goliti as an individual and he has agreed to pay the estate not to exceed \$5,581.71

¹ Order extending time granted March 19, 1956.

over a five-year period for said interest, in accordance with the terms of an agreement dated February 1, 1956, copy of which is attached to the application.

The transfer of the interest of said deceased partner to Mayo Goliti and the operation of said business by the surviving partners and Mayo Goliti as a new partnership under the certificate is found not to be adverse to the public interest. The application will be granted by cancellation of the certificate issued to Grady S. Hefley, Robert Goliti and Al Goliti, now deceased, and the issuance of a new certificate of public convenience and necessity to Grady S. Hefley, Robert Goliti and Mayo Goliti, who will own and operate the assets of the former partnership.

Upon consideration of the allegations of the application and the exhibits thereto attached, the Commission finds that public convenience and necessity require that a certificate of public convenience and necessity be granted to Grady S. Hefley, Robert Goliti and Mayo Goliti, authorizing them to conduct service as a highway common carrier for the transportation of fresh fruit and vegetables generally between Fresno, San Francisco and Oakland. A public hearing is not necessary. The action herein taken shall not be construed as a finding of the value of the operative rights involved.

Applicants are hereby placed on 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 Grady S. Hefley, Robert Goliti and Mayo Goliti, 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 on 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. After the effective date hereof but not later than May 14, 1956 and on 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.

3. That upon acceptance of the certificate herein granted the certificate of public convenience and necessity granted by Decision

No. 51652 dated July 5, 1955 in Application No. 36156 shall be canceled and revoked.

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

Dated at San Francisco, California, this 10th day of April, 1956.

I dissent.
R. Hawley
Commissioner.

John E. Mitchell
President

James F. Cannon

Raymond L. Lawrence

Commissioners

Decision No.

Dated

52882
April 10, 1936

Application No. 37788

APPENDIX A

Grady S. Hefley, Mayo Goliti and Robert Goliti, 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 mushrooms, fresh, between Fresno, on the one hand, and Oakland and San Francisco, on the other hand. Such authority does not include the right to render service from, to or between intermediate points.