

ORIGINALDecision No. 55972

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FRANK SPINGOLO WAREHOUSE COMPANY, INC.,)	
a California corporation, to transfer)	Application No. 39486
and FRANK SPINGOLO TRUCKING CO., INC.,)	
a California corporation, to acquire)	
certain operative rights of seller.)	

O P I N I O N

Frank Spingolo Warehouse Company, Inc., requests authority to transfer to Frank Spingolo Trucking Co., Inc., the operative rights created by Decision No. 53635, dated August 28, 1956, in Application No. 36366.

The operating authority to be transferred provides for the transportation of canned goods and miscellaneous commodities between Stockton, on the one hand, and Sacramento, on the other hand.

With the exception of 15 percent of the stock in the transferee Frank Spingolo owns all of the stock in both companies. The transfer would be without consideration.

As justification for the authority sought it is alleged that transferor is engaged primarily in other than transportation business, whereas transferee is engaged solely in the transportation business; that the transportation equipment is owned by the transferee and leased to the transferor; and that the proposed transfer would result in certain economies.

After consideration the Commission is of the opinion and so finds that the proposed transfer would not be adverse to the public interest. In view of the fact that the transferee presently

possesses other operating authority and as a matter of convenience in maintaining the Commission's records, the authority sought will be granted by revoking the transferor's operative rights and granting a new certificate to the transferee. A public hearing does not appear to be necessary.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Frank Spingolo Trucking Co., Inc., authorizing it to operate as a highway common carrier for the transportation of property as set forth in Appendix A attached hereto and made a part hereof.

(2) That, effective upon compliance with the provisions of paragraph 3(b) hereof, the operating authority granted by Decision No. 44517 dated July 11, 1950, in Application No. 30729 and Decision No. 53635, dated August 28, 1956, in Application No. 36366, is hereby revoked.

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

(a) Applicant shall file a written acceptance of the certificate herein granted within a period not to exceed thirty days after the effective date hereof.

(b) Within sixty days after the effective date hereof and on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall supplement or reissue the tariffs on file with the Commission naming rates, rules and regulations governing the common carrier operations here involved to show that Frank Spingolo Trucking Company, a corporation, presently known as Frank Spingolo Warehouse Company, Inc., a corporation, has withdrawn or canceled and Frank Spingolo Trucking Co., Inc., a corporation, has adopted or established as its own, said rates, rules and regulations. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80.

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

Dated at San Francisco, California, this 16th day of December,

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

(1) Frank Spingolo Trucking Co., Inc., is authorized to transport fresh fruits and vegetables (in boxes, crates, and sacks) and empty containers returning (1) between Stockton and all points and places within an airline distance of twenty-five (25) miles of the corporate limits of Stockton, including Clements, Jenny Lind, Milton, Eugene, Riverbank, Vernalis and Brentwood, but excluding points and places north of California Highway 4 and west of U. S. Highway 99 which are located more than three (3) miles from the corporate limits of Stockton; and (2) between said points and places, on the one hand, and San Francisco, Oakland, Berkeley, Alameda, Emeryville and Albany, including all intermediate points, on the other hand.

(2) The authority described in paragraph (1) hereof is subject to the following conditions and limitations:

- (a) No shipments shall be transported locally between Oakland and San Francisco.
- (b) No shipment shall be transported in refrigerator equipment.

(3) Service pursuant to the authority described in paragraph (1) hereof shall be conducted over and along the following routes:

Between Stockton and surrounding territory and Oakland, Berkeley, Alameda, Emeryville and Albany:

U. S. Highway 50 and connecting streets, roads and highways.

Between Oakland and San Francisco:

San Francisco - Oakland Bay Bridge.

Issued by California Public Utilities Commission.

Decision No. 55972, Application No. 39486.

Between other points and places:

Such streets, roads and highways as may be necessary to serve consignors and consignees.

(4) Frank Spingolo Trucking Co., Inc., is authorized to transport the following commodities:

- (a) Canned goods and other articles, as listed under that heading in Item No. 610 on Twelfth Revised Page 47 of Minimum Rate Tariff No. 2.
- (b) Miscellaneous Commodities, viz.,
 - Aluminum Sheets
 - Barrels, empty
 - Fibreboard
 - Fibre Sheets
 - Lumber
 - Motors, electric
 - Pallets
 - Salt.

between:

Stockton, on the one hand, and Sacramento, on the other hand, via U. S. Highway 99.

(5) The authority described in paragraph (4) hereof is subject to the following conditions and limitations:

- (a) No service shall be rendered to, from or between intermediate points.
- (6) Applicant shall not establish through routes and joint rates, charges and classifications as to the authority described in paragraphs (1) and (4).

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 55972, Application No. 39486.