Decision No. 50923

ds \*

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: ) GEORGE PISTACCHIO, JOSEPH PISTACCHIO ) and FRANK MONTEVECCHI, doing business) as G. & J. PISTACCHIO TRUCKING, for ) authority to amend its highway common) carrier certificate to-wit: for ) authority to cease its highway common) carrier operation with respect to the) transportation of cottonseed from ) various San Joaquin Valley origins to) Los Angeles, California.

Application No. 39474

## SUPPLEMENTAL OPINION AND ORDER

Applicants, by Decision No. 56365, issued March 17, 1958, in the above entitled proceeding were granted authority to suspend temporarily the portion of their highway common carrier certificated operative rights which authorized the transportation of fruits and vegetables to and from Puente and the transportation of cottonseed. Applicants by appropriate petition now seek to have such suspension made permanent. It appears from the record that applicants have no business to and from Puente and that the cottonseed movement is exclusively for one customer. Such latter transportation requires close integration of the carrier with the ginning operations and is of a specialized or contract character rather than a typical highway common carrier service for the public.

Applicants in good faith produced evidence of their actual operations prior to September 10, 1953, in order to establish that public convenience and necessity required they be granted a certificate in accordance with provisions of Decision No. 50448. They included operations performed pursuant to their highway contract carrier permit

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as well as all other transportation before the specified date. It now is concluded that the movement of cottonseed is and was primarily a contract operation and should be so considered.

The authority sought by the petition to permanently suspend such operations will be granted.

IT IS ORDERED:

(1) That Decision No. 51647, dated July 5, 1955, in Application No. 36648 be, and it is, amended by striking from said decision Appendix A thereto and substituting in place and stead thereof First Revised Page 1, Appendix A, reading as hereto attached.

(2) That said Decision No. 51647, as herein amended, be, and it is, continued in full force and effect.

()) That within giving days after the effective date of this order and upon not less than ten days' notice to the Commission and to the public, applicants shall file supplements to or revisions of their tariff on file with this Commission giving effect to the reduction in their operating authority accomplished by paragraph (1) of this order.

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

San Francisco \_\_\_, California, this \_\_\_\_\_ Dated at \_\_\_\_\_, 1958. day of \_ resident commissioners

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Appendix AGEORGE PISTACCHIO, JOSEPH PISTACCHIO First Revised Page 1AND FRANK MONTEVECCHICancelsOriginal Appendix A

George Pistacchio, Joseph Pistacchio and Frank Montevecchi, by the certificate of public convenience and necessity revised by the decision noted in the margin, are authorized to transport:

- ROOFING OR SIDING, OR ROOFING OR SIDING MATERIALS as listed under that heading in Items Nos. 83530 through 83770 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, between Emeryville and Fresno.
- (2) VEGETABLES, FRESH OR GREEN (NOT COLD PACK OR FROZEN), INCLUDING MUSHROOMS, between Santa Maria, Guadalupe, Lompoc and Watsonville, on the one hand, and Sanger, on the other hand.
- (3) 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.
- NOTE: The authority hereinabove set forth does not include the right to render service from, to or between intermediate points.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. \_\_\_\_\_\_, Application No. 39474.

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