

**ORIGINAL**Decision No. 56923

## 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

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.

(3) That within sixty 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.

Dated at San Francisco, California, this 1st day of July, 1958.

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

