

Decision No. 59077**ORIGINAL**

## 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 ) Application No. 41396  
 an order to cancel its Certificate of )  
 Public Convenience and Necessity to )  
 operate as a Highway Common Carrier. )

O P I N I O N

Applicants were granted a highway common carrier certificate by Decision No. 51647 dated July 5, 1955 in Application No. 36648. By Application No. 39474 applicants sought to eliminate the point of Puente and the commodity of cottonseed from their authority. This latter request was granted by Decision No. 56923 on July 1, 1958. They now seek, by the present application, to have the remaining portion of their authority canceled.

This remaining authority consists of the right to transport roofing and related materials between Emeryville and Fresno and fresh produce (not cold pack or frozen) between certain other points. The roofing traffic, the application alleges, has been all for one shipper who has ceased to tender shipments to applicants. The application further alleges that the produce is largely consigned to such destinations that it is exempt from minimum rate regulation under Item 40 series of Minimum Rate Tariff No. 2. This being so, negotiated rates are possible to permitted carriers, and the bulk of the traffic moves at such rates.

It appears and the Commission finds that public convenience and necessity no longer require the services of these applicants under their highway common carrier certificate. A public hearing is not necessary.

O R D E R

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

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted George Pistacchio, Joseph Pistacchio and Frank Montevecchi by Decision No. 56923 dated July 1, 1958, in Application No. 39474, is revoked.

(2) That Local Freight Tariff No. 1, Cal.P.U.C. No. 2, issued by George Pistacchio, Joseph Pistacchio and Frank Montevecchi, is canceled.

(3) That Richard A. Bennett, Agent, is authorized and directed to cancel the participation of George Pistacchio, Joseph Pistacchio and Frank Montevecchi from his tariffs on file with this Commission within ninety days after the effective date of this order, and on not less than five days' notice to the Commission and to the public.

(4) That the power of attorney issued by George Pistacchio, Joseph Pistacchio and Frank Montevecchi in favor of Richard A. Bennett, Agent, is canceled.

The Secretary of the Commission is directed to cause a certified copy of this order to be served upon George Pistacchio, Joseph Pistacchio and Frank Montevecchi.

This order shall become effective twenty days after the date of service.

Dated at San Francisco, California, this 29th day of September, 1959.

Robert A. F. [Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners