

ORIGINAL

Decision No. 59153

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FRANK SPINGOLO TRUCKING CO., INC.,)
 for a certificate of public conven-)
 ience and necessity to operate as a)
 highway common carrier between vari-)
 ous points and places in Sacramento,) Application No. 41199
 San Joaquin, Alameda, San Francisco)
 and Santa Clara Counties within the)
 State of California pursuant to)
 Section 1064 of the Public Utilities)
 Code of the State of California.)

Alan Short for applicant.
Norman R. Moon for Highway Transport Express,
 Highway Transport Inc., M & L Trucking, Vic
 Adelson Drayage; Frederick W. Mielke for
 Delta Lines, Inc., Valley Motor Lines, Inc.,
 Valley Express Co., protestants.
Francis X. Vieira for Reilley Truck Line, Swanson
 Truck Service, protestants and De Boer Truck
 Line and Blincoe Trucking Co., interested
 parties.

O P I N I O N

Frank Spingolo Trucking Co., Inc., requests authority to extend its highway common carrier service between Sacramento, San Jose, Oakland and San Francisco, on the one hand, and Stockton, on the other hand, including all intermediate points as well as fifteen miles laterally of the routes traversed.

A public hearing was held before Examiner Thomas E. Daly on August 12, 1959, at Stockton and the matter was submitted upon the receipt of late-filed exhibits since filed and considered.

Applicant is presently authorized to transport fresh fruits and vegetables between points within the Stockton area, on the one hand, and San Francisco, Oakland, Berkeley, Alameda, Emeryville and Albany, including all intermediate points, on the

other hand. It is also authorized to transport canned goods and miscellaneous commodities between Stockton, on the one hand, and Sacramento, on the other hand.

Applicant owns and operates approximately 60 pieces of equipment. As of December 31, 1958 it indicated a net worth of \$106,249.86 and for the year 1958 realized a net profit of \$114,992.57. A 35-acre terminal is maintained at Stockton and a 12-acre terminal is maintained at Walnut Grove.

Applicant's president and major stockholder testified that his family first engaged in the trucking business in the City of Oakland in 1921. After leaving military service, the witness stated, he moved to the City of Stockton in 1946 and using two trucks commenced hauling produce. As time passed the operation assertedly grew and developed to the point that the shippers presently served by applicant continuously request its complete service to the proposed points.

Applicant proposes a daily, overnight service, using radio dispatched trucks. A same day service would assertedly be provided when required, although the operational details of such a service had not been worked out as of the time of the hearing. It was stated that if the authority sought were granted applicant would not transport shipments of less than 10,000 pounds for a period of at least two months thereafter.

Nine public witnesses testified on behalf of applicant representing large and diversified business establishments in Stockton and the San Francisco Bay Area.

For the most part they stated they presently use applicant as a certificated carrier for limited commodities and would use applicant's proposed service for general commodities. Representatives of packing and canning businesses stated that

applicant's service on fresh fruits and vegetables is of vital importance during the canning seasons and that their companies would use applicant on their general commodity shipments for the purpose of providing necessary back hauls and sustaining the operation during the off seasons.

Protestants introduced operational evidence in the form of late-filed exhibits. The exhibits indicate that protestants are presently serving the proposed points and that they possess adequate facilities and equipment.

The record does not establish an inadequacy of existing service, but it does show that applicant has been providing for many years a much needed and relied upon transportation service for limited commodities. This may be perpetuated by permitting applicant to provide a more complete service to its customers.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of the application as hereinafter set forth in Appendix A attached hereto. The record does not justify an extension of applicant's service to the proposed intermediate points.

Applicant is hereby placed on notice that as a highway common carrier it must provide service within the scope of its ability. It may not pick and choose shipments nor may it operate under any self-imposed weight restrictions.

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 the

transportation of property between the points and over the routes as set forth in Appendix A attached hereto.

(2) That Appendix A of Decision No. 55972 is hereby amended by substituting and adding thereto First Revised Page 2 and Original Page 3 attached hereto.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.
- (b) Within sixty days after the effective date hereof, and on not less than five days' notice to the Commission and to the public, applicant shall establish the service herein authorized and shall file in triplicate, and concurrently make effective, amendments to its tariffs satisfactory to the Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 13th day of October, 1959.

President
Matthew D. ...

E. ...

Theodore ...

Commissioners

Everett C. McKeage
Commissioner S. Peter E. Mitchell, being
necessarily absent, did not participate
in the disposition of this proceeding.

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 general commodities excepting:

1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
2. Automobiles, trucks and buses; viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock; viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

Decision No. 59153, Application No. 41199.

Between the following points:

Sacramento, San Francisco, San Jose and
Oakland, on the one hand, and Stockton,
on the other hand, via U. S. Highways
Nos. 99 and 50 and State Highway No. 4.

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

- (a) No service shall be rendered to, from
or between intermediate points.

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