

61769

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FRANK SPINGOLO TRUCKING CO., INC., a)
 corporation, to exclude certain com-)
 modities from that certain certifi-)
 cate of public convenience and neces-)
 sity authorized by Decision No. 59153.)

Application No. 43098

O P I N I O N

Frank Spingolo Trucking Co., Inc., requests authority to discontinue the transportation of tomatoes, peaches, pears, cherries and asparagus in the performance of its highway common carrier service.

It is alleged that said commodities are usually transported to canneries, accumulation stations, cold storage plants and pre-cooling plants; that such transportation is exempt from the Commission's minimum rates and usually performed under contract; and that if applicant is required to observe its tariff rates it will be placed at a competitive disadvantage.

After consideration the Commission is of the opinion that public convenience and necessity no longer require applicant to transport tomatoes, peaches, pears, cherries and asparagus as a highway common carrier. 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 after the effective date hereof and concurrent with the tariff filings hereinafter specified, Frank Spingolo Trucking Co.,

Inc., may discontinue the transportation of tomatoes, peaches, pears, cherries and asparagus, as a highway common carrier.

2. That after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicant shall amend its tariff presently on file with the Commission to reflect the authority granted in ordering paragraph No. 1 hereof.

3. That Appendix A of Decision No. 55972 is amended by incorporating therein First Revised Page 1 and Second Revised Page 2, attached hereto, in revision of Original Page 1 and First Revised Page 2.

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

Dated at San Francisco, California, this 4th day of April, 1961.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Appendix A FRANK SPINGOLO TRUCKING CO., INC. First Revised Page 1
Cancels
Original Page 1

(1) Frank Spingolo Trucking Co., Inc., is authorized to transport fresh fruits and vegetables, except tomatoes, peaches, pears, cherries and asparagus, (in boxes, crates, and sacks) and empty containers returning (1) between Stockton and all points and places within a 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.

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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.
8. Fresh tomatoes, peaches, pears, cherries and asparagus.

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