

ORIGINALDecision No. 67455

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THERESA GOTELLI, ADOLPH GOTELLI and)
 EDWARD GOTELLI, copartners, doing)
 business as N. A. Gotelli Trucking)
 Co., for authority to depart from)
 rules and regulations of its Local)
 Tariff and/or Minimum Rate Tariffs)
 No. 2 and No. 8.)

Application No. 43045

Investigation on the Commission's)
 own motion into the operations,)
 rates and practices of THERESA)
 GOTELLI, ADOLPH GOTELLI and EDWARD)
 GOTELLI, a partnership, doing bus-)
 iness as N. A. Gotelli Trucking Co.)

Case No. 7100

Francis X. Viera, for respondents.
Arlo D. Poe, by James X. Quintrall, for
 California Trucking Associations, Inc.,
 interested party.
Donald B. Day and Leonard Diamond, for the
 Commission staff.

O P I N I O N

On January 6, 1961, applicants, holders of a highway common carrier certificate of public convenience and necessity and highway contract carrier, and radial highway common carrier permits, filed this application seeking permission to depart from the rules and regulations heretofore established by applicants in their Local Freight Tariff No. 1-C, Cal. P.U.C. No. 4, Items Nos. 130 and 170, or from the rules and regulations heretofore established by the Commission in Minimum Rate Tariff No. 2, Items Nos. 60 and 85; and also Minimum Rate Tariff No. 8, Items Nos. 50 and 185; and, in the alternative, approval of the shipping practices which are the subject of Case No. 7100.

A public hearing was held at Los Angeles before Examiner Porter on July 19 and 20, 1961, on which latter date the matters were submitted.

This investigation related primarily to the accumulation or combination of separate lots of produce into larger lots for rating purposes in a manner not permissible under tariff provisions then applicable. These tariff provisions were subsequently revised "in order to meet the practicalities attendant upon the harvesting, transportation and marketing of fresh fruit and vegetables." (Decision No. 66586 dated January 7, 1964, in Case No. 5438, Petition for Modification No. 30 and Order Setting Hearing dated October 9, 1962.)

Upon consideration of the particular circumstances here present, the Commission concludes that this investigation should be discontinued and the application should be dismissed.

O R D E R

Good cause appearing, IT IS ORDERED that:

1. Application No. 43045 is hereby dismissed.
2. Case No. 7100 is hereby discontinued.

Dated at San Francisco, California, this 7th day of JULY, 1964.

Fredrick B. Holbrook
President
Carl H. Ray
George L. Trover
Commissioners