

**ORIGINAL**

Decision No. 69209

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of LOUIS MARINO, LAWRENCE MARINO )  
and ERNEST MARINO, a copartner- )  
ship, doing business as MARINO )  
BROTHERS TRUCKING COMPANY, to sell )  
and transfer, and MARINO BROS. )  
TRUCKING CO., a corporation, to )  
purchase and acquire the operative )  
rights, equipment and other assets )  
of Sellers, and to assume certain )  
liabilities of Sellers. )

Application No. 37963

In the Matter of the Application )  
of MARINO BROS. TRUCKING CO., a )  
California corporation, for )  
authority to issue shares of its )  
capital stock. )

Application No. 37964

ORDER SUSPENDING OPERATIVE RIGHT

Marino Bros. Trucking Co., a California corporation, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of fresh fruits and vegetables and canned goods between certain points in Northern California.<sup>1</sup>

The tariff of Marino Bros. Trucking Co., a California corporation, has not been amended in compliance with the Commission's minimum rate orders since September 25, 1962.<sup>2</sup> As a result, the tariff names rates and charges less than the minimum rates and charges established by the Commission.

<sup>1</sup> By Decision No. 53199, dated June 12, 1956, in Applications Nos. 37963 and 37964, Marino Bros. Trucking Co., a corporation, acquired the operative rights of Louis Marino, Lawrence Marino and Ernest Marino, a copartnership, doing business as Marino Brothers Trucking Company. There is no tariff on file to cover this carrier's transportation of fresh fruits and vegetables.

<sup>2</sup> See Appendix A attached hereto and made a part hereof.

The carrier having failed to maintain his tariff on file in conformity with the Commission's outstanding minimum rate orders, the Commission finds that such failure constitutes good cause for suspension of the certificate and the tariff applicable to services thereunder.

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a highway common carrier acquired by Marino Bros. Trucking Co., a California corporation, by Decision No. 53199, dated June 12, 1956 in Applications Nos. 37963 and 37964, is hereby suspended until further order of the Commission.

2. All effective tariff schedules of such carrier filed pursuant to the certificate acquired by the decision referred to above are hereby suspended. Suspension supplements to tariff filings so suspended are not required and shall not be filed.

The Secretary is directed to cause service of a certified copy of this order to be made upon Marino Bros. Trucking Co., a California corporation, or to mail a certified copy thereof to it at its last known address as shown in the Commission's records.

The effective date of this order shall be the twentieth day after such service or after such mailing, as the case may be, unless before such effective date Marino Bros. Trucking Co., a California corporation, shall have filed with this Commission a written request for public hearing or shall have amended its tariff in conformity with the Commission's outstanding

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minimum rate orders in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 8<sup>th</sup> day of June, 1965.

Frederick B. Halbach  
President  
John E. Mitchell  
George H. Dwyer  
Augustus  
William M. Brund  
Commissioners

APPENDIX A

Local Freight Tariff No. 2, Cal.P.U.C. No. 2 of Marino Bros. Trucking Co. has not been amended to comply with the following minimum rate orders in Case No. 5432:

<u>Decision No.</u>	<u>Dated</u>	<u>Served</u>
61440	February 7, 1961	February 28, 1961
65109	March 19, 1963	May 7, 1963
66268	November 5, 1963	December 19, 1963
66286	November 5, 1963	December 19, 1963
66453	December 10, 1963	December 19, 1963
66981	March 17, 1964	March 29, 1964
67443	June 26, 1964	July 13, 1964
67531	July 14, 1964	July 31, 1964
67994	October 6, 1964	November 2, 1964
68038	October 13, 1964	October 15, 1964
68210	November 10, 1964	December 2, 1964

(END OF APPENDIX A)