

ORIGINAL

Decision No. 69411

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)
 OF: (a) G & G TRUCKING COMPANY, a)
 corporation, to purchase, and of)
 SAM GUSINOW, an individual doing)
 business as G & G TRUCKING CO., to)
 sell, a Certificate of Public)
 Convenience and Necessity for the)
 transportation of specific commo-)
 dities between various points in)
 California, pursuant to Sections)
 851-853 of the California Public)
 Utilities Code; and (b) G & G)
 TRUCKING COMPANY, a corporation, to)
 issue shares of its common capital)
 stock pursuant to Sections 816-830)
 of the California Public Utilities)
 Code.)

Application No. 39345

ORDER REVOKING OPERATIVE RIGHT

Decision No. 67203 dated May 12, 1964, in this proceeding, provided for the revocation of the certificate of public convenience and necessity of G & G Trucking Company, a corporation, for failure to have on file with the Commission the required evidence of liability insurance and the required freight tariffs, unless before the effective date of said order there shall have been filed with this Commission a written request for public hearing, in which event the effective date of the order would be stayed. By letter filed with the Commission on May 26, 1964, William E. Kessler filed a written request for public hearing thereby staying the Commission's order.

Enclosed with the letter was a copy of a written agreement dated May 11, 1964, between the carriers hereinafter mentioned.

Mr. Kessler stated that, pursuant to this agreement, he was preparing an application, which would be filed with the Commission as soon as possible, seeking authority on behalf of G & G Trucking Company to sell, and Lonnie Case Trucking, Inc., to purchase, the certificate involved in this proceeding. For this reason, Mr. Kessler also asked that the requested hearing be held concurrently with any hearing which may be scheduled in connection with the filing of the proposed application.

By letter dated March 4, 1965, Mr. Kessler informed the Commission that he sent the proposed application to Mr. Sam Gusinow for his signature as president of the seller corporation on September 29, 1964, and has made several attempts to contact Mr. Gusinow without success. Mr. Kessler stated he would make a determined effort to contact Mr. Gusinow and requested the matter be held in abeyance until he could complete the signatures and have the application on file. The proposed application for authority to transfer the operative right in question has not been filed with the Commission to date.

The effective date of Decision No. 67203 dated May 12, 1964, in Application No. 39345, having been stayed since May 26, 1964; no application having been filed with the Commission to transfer the operative right involved; the request for public hearing having been contingent on the filing of the aforementioned application, and a reasonable time having elapsed, the Commission is of the opinion that no good cause has been shown for further staying the effective date of Decision No. 67203 and finds that the certificate of G & G Trucking should be revoked.

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IT IS ORDERED that the certificate of public convenience and necessity to operate as a highway common carrier acquired by G & G Trucking Company, a corporation, by Decision No. 55529 dated September 10, 1957, as amended by Decision No. 61547 dated February 21, 1961, in Application No. 39345, is hereby revoked.

The Secretary is directed to cause service of a certified copy of this order to be made upon G & G Trucking Company or to mail a certified copy thereof to it at its last known address as shown in the Commission's records, and to mail a copy of this order to Lonnie Case Trucking, Inc., and Mr. William H. Kessler.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of July, 1965.

Frederick B. Hallock
President

George T. Hoover

W. J. [Signature]

William B. [Signature]
Commissioners

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