

**ORIGINAL**Decision No. 71124

## 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 copartnership,  
 doing business as MARINO BROTHERS  
 TRUCKING COMPANY, to sell and trans-  
 fer, and MARINO BROS. TRUCKING CO.,  
 a corporation, to purchase and  
 acquire the operative rights, equip-  
 ment 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

Kellogg and George, by Marguan C. George, for  
 applicant.  
John F. Specht, for the Commission staff.

O P I N I O N

By Decision No. 69209 this Commission suspended the operative rights of applicant for failure to amend its tariff in compliance with the Commission's minimum rate orders issued after September 3, 1962. Decision No. 69209 provided for a stay in the event applicant amended its tariff to conform to the Commission's minimum rate orders or requested a public hearing prior to the effective date of the order. Decision No. 69209 was served upon applicant on June 10, 1965; on June 30, 1965 applicant filed a written request for a public hearing thereby staying the effective date of Decision No. 69209.

Public hearing was held before Examiner Gravelle at San Francisco on March 18, 1966. Applicant did not deny its failure to comply with its tariff filing responsibility but pleaded for additional time to reissue its entire tariff.

Exhibit No. 3 is a late-filed exhibit which consists of applicant's tariff conforming to the Commission's requirements. It was filed on April 18, 1966. The staff was given ten days after the latter date to request further public hearing in the event the tariff was not in compliance. No such request has been made.

Applicant is hereby placed on notice that the Commission will not permit further disregard of proper tariff filings and that this operating authority may be subject to revocation if it does not meet its regulatory obligations.

O R D E R

IT IS ORDERED that:

1. Marino Bros. Trucking Co. Local Freight Tariff No. 3 cancelling Local Freight Tariffs Nos. 1 and 2 is found to be in compliance with Decision No. 69209.

2. The suspension of the certificate of public convenience and necessity held by Marino Bros. Trucking Co. as ordered by Decision No. 69209 is hereby lifted.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of AUGUST, 1966.

[Signature]  
President

George T. Grover

[Signature]

[Signature]  
Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.