

Decision No. 31820

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
N. B. MACKEY for certificate of public)
convenience and necessity to operate)
passenger and freight service between)
Downieville, California, and Sattley,)
California.)

Application No. 21226

ORIGINAL

BY THE COMMISSION:

ORDER REVOKING CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

WHEREAS, by Decision No. 30003, dated August 9, 1937, N. B. Mackey was granted a certificate of public convenience and necessity to operate as an automotive common carrier of passengers and freight between Downieville and Sattley and intermediate points via Sierra City, and

WHEREAS, it now appears that said N. B. Mackey is not now and has not since approximately July 1, 1938, been operating under said certificate, and

WHEREAS, the said N. B. Mackey has failed, despite repeated requests from the Commission, to continuously maintain on deposit with the Commission adequate public liability and property damage insurance or other evidence of such protection as required by General Order No. 91, and

WHEREAS, the Commission, after diligent effort over a period of months, has been unable to contact N. B. Mackey either by mail, telegraph, or through the personal efforts of its Division of Investigation personnel, and

WHEREAS, communication with former counsel for the said N. B. Mackey has elicited a response under date of February 21, 1939, that Mr. Mackey has left the country and his present

whereabouts are unknown, and

WHEREAS, the said N. B. Mackey has not attempted to obtain from this Commission any authority to abandon his operating right, nor indicated in any way his attitude in regard to the future conduct of this service, it appears to be a reasonable conclusion that he has, without authority, abandoned his service and, furthermore, has placed himself in the position of a violator of Commission's General Orders by his failure to maintain the protection above referred to. Revocation of this operating right is indicated under these circumstances.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the operating right for the transportation of passengers and property as an automotive common carrier heretofore granted to N. B. Mackey, between Downieville and Sattley and intermediate points via Sierra City, be and it is hereby declared null and void and all tariffs and time schedules filed thereunder cancelled.

IT IS HEREBY FURTHER ORDERED that Decision No. 30003 be and it is hereby revoked and annulled.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 6th day of

March, 1939.

Frank D. Kelley
W. H. Kelley
Justice J. Adams
COMMISSIONERS