

Decision No. 42163

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
EARL P. PATTEN for certificate of public  
convenience and necessity to operate  
Air Express and Air Freight Ground  
Service between Napa, Vallejo and Napa  
County Airport.

Application No. 28458

ORDER REVOKING OPERATIVE RIGHT

It appearing that by Decision No. 40850 of October 28, 1947, in the above-numbered application, Earl P. Patten was granted a certificate of public convenience and necessity to operate a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between Napa, Vallejo and the Napa County Airport, and intermediate points, limited to the transportation of property which shall receive, in addition to the highway carrier movement by applicant, an immediately prior or subsequent movement by air facilities as more specifically set out in said decision; it further appearing that by letter to the Commission, dated August 3, 1948, applicant stated that the aforesaid "service has not been put into operation"; it further appearing that information received by the Commission's Division of Permits and Fees shows that, effective August 7, 1948, all public liability and property damage insurance deposited by applicant was cancelled and has not been renewed; it further appearing that no Annual Report has been filed for the year 1947, or any portion thereof, or any period subsequent thereto; it further appearing that no fees have been paid covering any such period or periods; it further appearing that no suspension of the said operative right or any portion thereof has at any time been made by the Commission, and that recent investigations by the Commission's

staff disclose that no services of the character authorized are being rendered, and it being found that the entire operation and services, as aforesaid, neither were nor are being performed by applicant, thereby resulting in abandonment of the entire operative right as hereinbefore described; therefore, good cause appearing

IT IS ORDERED that the aforesaid operative right of Earl P. Patten, as more specifically described herein, be and the same is hereby revoked, and all effective tariffs and time tables are hereby cancelled and annulled.

IT IS FURTHER ORDERED that the effective date of this order shall be the twentieth day after service thereof in the manner provided by law, unless said Earl P. Patten, before such effective date, shall have filed with the Commission a written response to this order, denying the facts set forth herein and requesting public hearing thereon, in which event the effective date of this order shall be stayed until hearing is had and further order issued.

Dated at San Francisco, California, this 26<sup>th</sup> day of October, 1948.

R. J. Dwyer  
Justus J. Garner  
Frank H. Lawrence  
Harold P. Mills  
Samuel H. Potter  
Commissioners