

ORIGINALDecision No. 42240

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WILLIS M. KLEINENBROICH (Modesto
Motor Bus Service), for modification
of certain routes.

Application No. 25874
2nd Supplemental

In the Matter of the Application of
E. M. LESTER for a certificate to
operate passenger stage service
between Modesto and suburbs lying to
the north and northwest.

Application No. 28342

ORDER REVOKING OPERATIVE RIGHT

It appearing that by Decision No. 41510 of April 27, 1948, in the above-numbered proceedings, one E. M. LESTER was granted a certificate of public convenience and necessity authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act, for the transportation of passengers and their baggage between the intersection of 11th and "J" Streets, in the City of Modesto, and the intersection of Granger Avenue and Tully Road, in adjacent county territory north of Modesto; that information recently obtained by the Commission's staff discloses that on or about September 27, 1948, the said E. M. Lester discontinued all service as aforesaid without authority of the Commission and has not since resumed such service; that the said carrier has at no time made application to this Commission for permission to suspend any portion of its operative right as aforesaid and that no such permission has at any time been granted by this Commission; that no financial or other reports of the operations of said

carrier have been filed with the Commission and that Commission letters addressed to said E. M. Lester and to his counsel of record relative to the foregoing subject matters have failed to bring any acknowledgment or reply; therefore, good cause appearing, it is found that the said E. M. Lester has discontinued all services and operations as authorized (pursuant to Application No. 28342) by the aforesaid decision without authority from this Commission, thereby resulting in abandonment of his entire operative right.

IT IS ORDERED that the above-mentioned entire operative right of E. M. Lester, as granted by said Decision No. 41510 (Application No. 28342), be and it hereby is revoked, and all effective tariffs and time tables on file are hereby canceled and annulled, the said decision in all other respects to remain in full force and effect.

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 E. M. Lester, before such effective date, shall have filed with the Commission a written response to this order, denying the statements set forth herein and requesting public hearing thereon, in which event the effective date of this order will be stayed until hearing is had and further order issued.

Dated at San Francisco, California, this 16th
day of November, 1948.

Joseph H. Russell
Harold P. Kilday
Harold P. Kilday
Commissioners