

ORIGINALDecision No. 44156

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SIMMONS TRANSFER LINE, a corporation,)
 For an Order authorizing issue of)
 shares, and to transfer Prescriptive)
 Highway Common Carrier Operating)
 Rights, and to issue notes.)

Application No. 28654

ORDER REVOKING OPERATIVE RIGHTS

It appearing that Decision No. 40635, dated August 26, 1947, in the above numbered application, authorized the transfer of prescriptive highway common carrier operative rights (Decision No. 37298, dated August 29, 1944) from J. W. Simmons, Jr. and Paul N. Sommer, a co-partnership, to Simmons Transfer Line, a corporation; and it further appearing that staff investigations during the first half of 1949 disclosed that this latter carrier had, during November 1948, discontinued all of its operations under the above rights and had closed its offices and removed all telephones and listings of the kind; that disposition had been made of its operating equipment for which it had no insurance on file pursuant to General Order No. 91; that the official files show all of this carrier's permits were revoked on or about December 7, 1948; that said carrier has failed to file the required Annual Report for the calendar year 1948 or for any period thereafter; that said carrier is delinquent in the payment of its gross operating revenue fees (pursuant to the Transportation Rate Fund Act, Stats. 1935, Ch. 683, as amended); that Commission records confirm its delinquency as to certain required tariff filings; that upon written inquiry as of January 13, 1950, addressed to the president of said corporation relative to the status of the foregoing matters, the

Commission was informed that on or about July 1, 1949, said carrier became bankrupt and went out of business; that no application for suspension of any of the operative rights here involved has been sought, and none has been granted; that no application relative to any sale or transfer of such operative rights has been made and no such sale or transfer has at any time been authorized by the Commission; that as a result of the foregoing, it is hereby found that the entire operations of said carrier, pursuant to the aforesaid authorizations, have been discontinued without authority of the Commission, thereby resulting in abandonment of operation; therefore, good cause appearing,

IT IS ORDERED that the above mentioned entire operative rights of whatsoever character of SIMMONS TRANSFER LINE, a corporation, to, from, or between the points, places, areas, and via the routes hereinbefore more specifically referred to and described, be and the same are 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 Simmons Transfer Line, a corporation, or its duly authorized representative or other person authorized by law to act in the premises, before such effective date shall have filed with the Commission a written response to this order, denying the facts set forth herein and requesting a 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 9th

day of May, 1950.

R. E. Anderson

Justice J. Cameron

Frank H. Linnell

Harold A. Hale

Kenneth Pott

Commissioners