

Decision No. 44636

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MABEL E. SMITH for an order of the
 Railroad Commission of the State of
 California approving the transfer to
 her of all rights, title and interest
 in auto truck transportation line,
 including equipment, now of record in
 name of Charles E. Smith.

Application No. 19840

ORDER REVOKING OPERATIVE RIGHT

It appearing that by Decision No. 27920, dated April 29, 1935, in the above-numbered application, Mabel E. Smith, an individual, doing business as Allison Auto Express, acquired the operative right and the equipment used in the service of operation of an automotive truck line for the transportation of certain commodities, including auto parts and tobacco, between Los Angeles and Long Beach, California, as more specifically set forth and described in said decision; it further appearing that by letter dated Long Beach, California, April 26, 1950, the said Mabel E. Smith, in response to staff inquiry respecting the suggested revocation of said operative right, advised this Commission, in part, as follows:

"During the latter part of 1948, my business suffered financial reverses which continued on into 1949. On July 1, 1949, I was compelled to discontinue operations ***. Storey Auto Express desires to acquire the operative rights and continue the service performed by me as said rights are contiguous to their present operations and fit into the normal scheme of transportation."

It further appearing from the official files of this Commission that no application for suspension of any of the aforesaid transportation services or operations was ever made to or

authorized by this Commission; it also appearing from records of the Commission's Division of Permits and Fees that the radial, contract, and city carrier permits held by this carrier were revoked as of July 15, 1949; that its personal liability and property damage insurance was cancelled effective July 15, 1949; that its C.O.D. Bond was cancelled effective November 27, 1949; that the assets of said carrier, including equipment of every kind, office furniture and fixtures and supplies, together with trade name and good will, were disposed of on or about July 1, 1949; that its third quarterly report for 1949, as rendered to this Commission, specifically states "no income - no longer operating;" and that the said carrier's regular 1949 Annual Report filed with this Commission during May 1950 confirms the aforementioned sale of its transportation business; that as a result of the foregoing it is hereby found that the entire services and operations of said carrier, pursuant to the above-mentioned authorization, have been discontinued without authority of this Commission, thereby resulting in abandonment of operation; therefore, good cause appearing,

IT IS ORDERED that the above-mentioned entire operative right of Mabel E. Smith, an individual, doing business as Allison Auto Express, to, from, or between the points and places and via the routes hereinbefore more specifically referred to and described, 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 Mabel E. Smith, or her 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 8th day of August, 1950.

James D. Calmes
James P. Howell
Harold P. Hills
Herbert W. Potter
Commissioners