

Decision No. 50314**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CHARLES MASKELL doing business as)
 MASKELL TANK LINES for authority to)
 suspend operation of service as) Application No. 35446
 petroleum irregular route carrier)
 between all points and places in the)
 state.)

Coramaria Maskell Allenbaugh for applicant.

Neal McGettigan for Commission staff.

O P I N I O N

By this application filed May 14, 1954 Charles Maskell doing business as Maskell Tank Lines requests permission to suspend service as a petroleum irregular route carrier for a period of one year. No proper justification for the request is alleged but the application contains a statement that applicant has discontinued operating trucks for the present.

Public hearing was held before Examiner Rowe on July 7, 1954 in San Leandro at which time after evidence was adduced the matter was submitted for decision.

Applicant's daughter appeared for him and testified that he had sold his equipment although he expected some time in the future to reinstitute service as a petroleum irregular route carrier.

No justification for the request was shown. The application herein will therefore be denied. Also, according to the Commission records applicant subsequent to January 8, 1954 has filed no evidence of adequate protection against liability imposed by law for the payment of damages as required by General Order 100; and it further appearing from the evidence of record that operations

under the above-mentioned certificate of public convenience and necessity have been discontinued commencing in January 1953 without any authorization to suspend or discontinue the same; therefore it is found that Charles Maskell doing business as Maskell Tank Lines is no longer conducting and has unlawfully abandoned said petroleum irregular route service.

O R D E R

Application as aforesaid having been filed, public hearing having been held and the Commission being fully advised in the premises,

IT IS ORDERED that Application No. 35446 be, and it hereby is, denied. The effective date of this order shall be twenty days after the date hereof.

IT IS FURTHER ORDERED that the certificate of public convenience and necessity granted to applicant Charles Maskell doing business as Maskell Tank Lines by Decision No. 44563 dated July 25, 1950 in Application No. 31208 be, and it hereby is, revoked.

IT IS FURTHER ORDERED that within thirty days after the effective date of this order Charles Maskell, doing business as Maskell Tank Lines, shall, on not less than five days' notice to the Commission and to the public cancel all rates, rules and regulations governing the operations here involved.

The effective date of the above order revoking the operative rights of applicant shall be the twentieth day after lawful service hereof upon said Charles Maskell, unless said Charles Maskell before such effective date shall have filed with this Commission a written response to this order denying the facts set forth herein and requesting a public hearing on such revocation and cancellation

of said certificate of public convenience and necessity, in which event the effective date of said order of revocation and cancellation will thereby be stayed until hearing on such revocation and cancellation is held and further order thereon issued.

Dated at Los Angeles, California, this 27th day of July, 1954. ✓

John E. Mitchell
PRESIDENT
Justin J. Calmes
Bennett Potter
Jerome Higgins

COMMISSIONERS