

**ORIGINAL**Decision No. 51611

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 EDWARD L. CUMMINGS, an individual )  
 doing business as E. L. CUMMINGS )  
 TRANSPORTATION, for a certificate )  
 of public convenience and necessity )  
 to operate as a Highway Common )  
 Carrier of general commodities with )  
 some exceptions, between various )  
 points and places in California, )  
 pursuant to Section 1063 of the )  
 Public Utilities Code. )

Application No. 36161

O P I N I O N

Edward L. Cummings is a highway carrier engaged in the transportation of property in California pursuant to a radial highway common carrier permit issued him by this Commission.

He seeks an order authorizing him to conduct service as a highway common carrier for the transportation of general commodities, with certain exceptions, in shipments of not less than 10,000 pounds, generally between all points in California.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, it appears that as of the date of the filing of the application applicant was conducting his operations within the scope of the permitted authority heretofore issued by this Commission. Such operations not having constituted highway common carriage, the sought certificate of public convenience and necessity is not a requisite for their continuance. The application will therefore be denied.

ORDER

The Commission has considered the application and representations filed herein, Now Therefore

IT IS ORDERED that Application No. 36161 is denied.

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 28<sup>th</sup> day of June, 1955.

[Signature]  
President

[Signature]

[Signature]

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Commissioners