

Decision No. 55085

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 HELEN J. NICOLAS, doing business as)
 Nicolas Trucking Company, for a Radial) Application No. 38916
 Highway Common Carrier Permit between)
 Hopland and Los Angeles, etc. (Applica-)
 tion No. 23-1369, File No. T-59,149).)

Eugene A. Nicolas, for applicant.

Arthur Lvons, for the Commission staff.

O P I N I O N

On February 13, 1957, applicant applied for a permit to operate as a radial highway common carrier, contemplating operations generally between Hopland and Los Angeles in the transportation of forest products.

Public hearing was held in Hopland before Examiner Rowe on April 9, 1957. Oral and written evidence was presented on behalf of the applicant and by the Commission's staff.

The Commission's records indicate and the evidence received at the hearing shows that prior to May 15, 1956, Eugene Nicolas and his brother Robert Nicolas, sons of Helen Nicolas, the applicant herein, held a permit as radial highway common carriers. On said last mentioned date, pursuant to Commission authority, said permit was transferred by Eugene Nicolas and Robert Nicolas to the applicant.

On November 19, 1956, applicant's permit was revoked by order of the Commission for failure to comply with the provisions

of Sections 3631 and 3632 of the Public Utilities Code of the State of California, which sections require a highway carrier to procure and continue in effect during the life of the permit insurance protection against liability imposed by law upon the carrier for the payment of damages for personal bodily injuries, including death, and protection for the payment of damages to or destruction of property, and the deposit with the Commission of the policy of insurance or bond, as specified in said sections. Notwithstanding said revocation of her permit, the evidence shows that applicant continued to operate in the transportation of property for compensation by motor vehicles on the public highways in this State, in violation of the provisions of Section 3571 of said code, which prohibits such operation without first having obtained from the Commission a permit authorizing such operation.

The records of the Commission also indicate, and the evidence received at the hearing demonstrates, that during applicant's operations subsequent to the revocation of her permit as hereinbefore stated, she did further violate Sections 3664 and 3667 of said code in that she charged, demanded, collected or received for the transportation of property, rates or charges less than the minimum rates and charges applicable to such transportation as established or approved by the Commission.

The application will be denied.

ORDER

Application therefor having been filed, a public hearing having been held and the Commission having made its findings and conclusions as hereinbefore stated,

IT IS ORDERED that the application be denied.

The effective date of this decision shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14th day of JUNE, 1957.

E. H. ...
 President

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 Commissioners