

Decision No. 58919

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of M.P. Fischer, an individual, doing business under the firm name of DOWNIEVILLE STAGE LINES, for authority to transfer his auto passenger certificate and certain equipment to E.T. Van Nelson under Section 851-853 of the Public Utilities Code.)

Application No. 39041

ORDER SUSPENDING OPERATIVE RIGHTS

E. T. Van Nelson, doing business as Downieville Stage Lines, pursuant to a certificate to operate as a passenger stage corporation for the transportation of passengers and express between Nevada City, Downieville and intermediate points, has on file with the Commission a local express tariff which contains class rates governed by ratings in the Western Classification.

Effective May 20, 1959, by Supplement No. 3 to Western Classification No. 77, Nelson's participation in the classification was canceled at his written request.

Section 486 of the Public Utilities Code requires that common carriers of property file with the Commission schedules showing their rates and classifications, and Section 493 of the Code provides that no common carrier shall participate in the transportation of property until its schedules of rates and classifications have been filed.

Inasmuch as Nelson does not have on file with this Commission the necessary classification, his certificate will be suspended insofar as it authorizes the transportation of property.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity acquired by E. T. Van Nelson by Decision No. 55187,

dated June 28, 1957, in Application No. 39041, insofar as it involves the transportation of property other than the baggage of passengers, is suspended pending further order.

(2) That Local Express Tariff No. 2, Cal.P.U.C. No. 2, (series of M. P. Fischer, doing business as Downieville Stage Lines) issued by E. T. Van Nelson, doing business as Downieville Stage Lines, is suspended pending further order. A copy of this order shall be filed with said tariff in the office of the Commission.

The Secretary is directed to cause service of a certified copy of this order to be made upon E. T. Van Nelson and to mail a copy of this order to Western Classification Committee, Agent, Pacific Southcoast Freight Bureau, Agent, and Pacific Motor Trucking Company.

The effective date of this order shall be thirty days after service upon E. T. Van Nelson, unless before such effective date E. T. Van Nelson shall have filed with this Commission a written response to this order denying the facts set forth herein, or shall have filed a lawful and proper freight classification as required by Sections 486 and 493 of the Public Utilities Code, in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 25th day of August, 1959.

Ernest A. Rye
President
W. L. [illegible]
E. T. [illegible]
Theodore H. [illegible]
Commissioners