

Decision No. 59925

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
WARREN H. DESPER, doing business as	)	
Desper Terminal & Distributing Co.,	)	
for a certificate of public con-	)	
venience and necessity to operate	)	Application No. 31268
as a highway common carrier for the	)	
transportation of crated new furniture	)	
and office equipment from Los Angeles,	)	
California, to various points in	)	
Southern California.	)	

ORDER SUSPENDING OPERATIVE RIGHTS

Warren H. Desper, doing business as Desper Terminal & Distributing Company, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of crated new furniture between the so-called "Los Angeles Drayage Area" on the one hand and various points and places in southern California on the other hand.

Decision No. 58896, dated August 18, 1959, in this proceeding, provided for the suspension of this carrier's certificate for failure to maintain a schedule of classifications and have on file requisite evidence of liability insurance. The decision was not served, and hence, by its terms, did not become effective.

Evidence of liability insurance of Warren H. Desper is now on file. Meanwhile, however, his participation in the Western Classification was canceled on March 14, 1959, and has not been reinstated, and his participation in the Western Motor Tariff Bureau, Inc., Agent, tariffs was canceled effective October 10, 1959.

---

<sup>1</sup> The Secretary of the Commission sent a certified copy of the decision to Warren H. Desper by registered mail. The envelope was returned marked "unclaimed."

Section 486 of the Public Utilities Code requires that common carriers of property file with this Commission schedules showing their rates and classifications, and Section 493 of the Code provides that no common carrier shall engage or participate in the transportation of property until its schedules of rates and classifications have been filed. By letters dated May 28, 1959, and June 9, 1959, Warren H. Desper was placed upon notice that, unless the required classifications and tariffs were filed the certificate in question would be subject to suspension or revocation pursuant to lawful procedure.

The required classification and tariffs not being on file, and the Commission being of the opinion that such failure constitutes good cause for suspension of this carrier's certificate, the certificate of Warren H. Desper will be suspended. Decision No. 58896, supra, will be vacated.

Therefore, good cause appearing,

IT IS ORDERED:


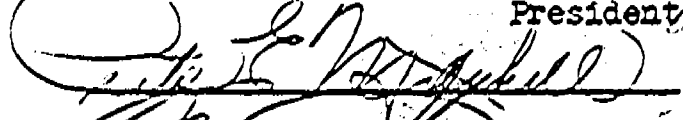
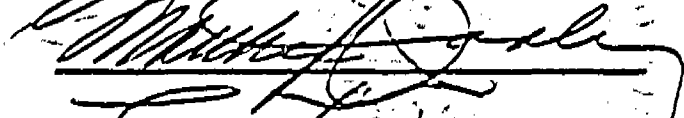
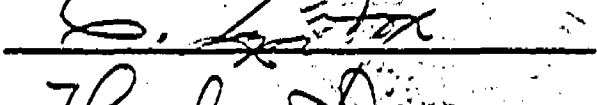
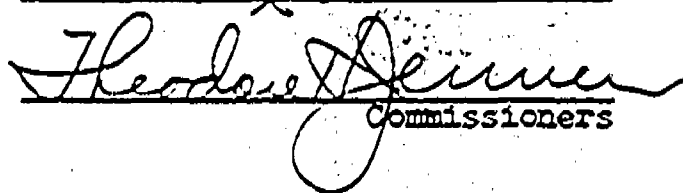
(1) That Decision No. 58896, dated August 18, 1959, in Application No. 31268 is hereby vacated and set aside.

(2) That the certificate of public convenience and necessity to operate as a highway common carrier granted to Warren H. Desper by Decision No. 44825, dated September 19, 1950, in Application No. 31268 is hereby suspended pending further order.

The Secretary is directed to cause personal service of a certified copy of this order to be made upon Warren H. Desper, and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent, and Western Classification Committee, Agent.

The effective date of this order shall be the twentieth day after such service, unless before such effective date Warren H. Desper shall have filed with this Commission a written response to this order denying the facts set forth herein, or shall have filed proper and lawful tariffs and freight classifications 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.

Dated at San Francisco, California, this 12th day of April, 1960.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners