

Decision No. 59952

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of V. P. HUNT CO., a co-partnership composed of V. P. Hunt and Marian B. Hunt, and V. P. HUNT CO., TANKERS INC., a California corporation, to transfer certificates and automotive equipment to ORANGE EMPIRE TRUCK LINES, INC., a California corporation, in exchange for shares of such corporation and for authority to issue such shares.

Application No. 35822

ORDER CONTINUING SUSPENSION  
OF OPERATIVE RIGHTS

Orange Empire Truck Lines, Inc., a corporation, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of specified commodities between certain points in San Bernardino, Riverside and Los Angeles Counties, on the one hand, and Los Angeles and Los Angeles Harbor, on the other hand.

By Decision No. 57982, dated February 9, 1959, in this proceeding, the Commission suspended the highway common carrier certificate of Orange Empire Truck Lines, Inc., for failure to have on file evidence of liability protection required of General Order 100A. By letter dated February 26, 1959, the carrier's president requested that the certificate be placed in voluntary suspension until January 21, 1960, until reorganization may be effected and the company's financial affairs are in order. On July 6, 1959, evidence of this carrier's liability insurance was filed. Meanwhile, however, the participation of Orange Empire Truck Lines, Inc., in the Western Classification was canceled on May 20, 1959; and the Commission has been notified by the carrier's tariff agent that the carrier's participation in other tariffs will be canceled on May 22, 1960.

Section 496 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.

The required classification 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 Orange Empire Truck Lines, Inc., will be suspended. Decision No. 57982, supra will be vacated.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity to operate as a highway common carrier acquired by Orange Empire Truck Lines, Inc., a corporation, by Decision No. 50633, dated October 3, 1954, in Application No. 35822, is hereby continued in suspension pending further order.

(2) That all tariffs issued by or on behalf of Orange Empire Truck Lines, Inc., a corporation, are hereby continued in suspension pending further order. A copy of this order shall be filed with said tariffs in the office of the Commission.

(3) That Decision No. 57982, dated February 9, 1959, in Application No. 35822, is hereby vacated and set aside.

The Secretary of the Commission is hereby directed to cause personal service of a certified copy of this order to be made upon Orange Empire Truck Lines, Inc., a corporation, 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 Orange Empire Truck Lines, Inc., a corporation, shall have filed with this

Commission a written response to this order denying the facts set forth herein, or has filed a 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 19<sup>th</sup> day of April, 1960.

Correll B. Page  
President  
W. M. ...  
...  
...  
Theodore ...  
Commissioners