

Decision No. 60133

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Frank L. Nolan (Jr.), an individual,)
doing business as FRANK NOLAN DRAYAGE) Application No. 35417
CO., for a certificate of public con-)
venience and necessity to operate as)
a highway common carrier.)

ORDER CONTINUING SUSPENSION OF OPERATIVE RIGHTS

By Decision No. 58810, dated July 28, 1959, in this proceeding, the Commission suspended the certificate of public convenience and necessity of Frank L. Nolan and Mary F. Bartholomew for failure to pay certain quarterly fees and to file certain reports of gross operating revenue. Previously, by letter dated May 28, 1959, from the Secretary of the Commission, they were placed on notice that their participation in Western Classification No. 77 had been canceled effective March 14, 1959, and that unless a required classification was filed their certificate would be subject to suspension or revocation pursuant to lawful procedures.

The delinquent fees and reports have now been received. However, Frank L. Nolan's and Mary F. Bartholomew's participation in the Western Classification has not been reinstated and they have no classification on file.

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.

The Commission is of the opinion that the failure of Frank L. Nolan and Mary F. Bartholomew to file the required classification constitutes good cause for suspension of this carrier's certificate. The delinquent fees and reports having been filed, Decision No. 58810, supra, will be vacated.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity granted to Frank L. Nolan and Mary F. Bartholomew, by Decisions Nos. 51026 and 51531, dated January 25, 1955, and May 31, 1955, respectively, in Application No. 35417, is hereby continued in suspension pending further order.

(2) That all tariffs issued by and on behalf of Frank L. Nolan and Mary F. Bartholomew, 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. 58810, dated July 28, 1959, in Application No. 35417, is hereby vacated and set aside.

The Secretary is hereby directed to cause personal service of a certified copy of this order to be made upon Frank L. Nolan and Mary F. Bartholomew, and a copy of this order to be mailed to C. R. Nickerson, 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 Frank L. Nolan and Mary F. Bartholomew shall have filed with this Commission

a written response to this order denying the facts set forth herein, or have 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 Los Angeles, California, this 17th day ✓
of May, 1960.

Carroll R. P. [Signature]
President.
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners