

Decision No. 60155

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
RICHARD F. McCURDY and RICHARD F. }
McCURDY, JR., co-partners, doing }
business under the trade name of }
McCURDY & SON TRANSPORT SERVICE, }
(successor to RICHARD F. McCURDY, }
an individual, doing business as }
DEMACK TRUCKING COMPANY), to }
operate a Highway Carrier Service. }

Application No. 36438

ORDER REVOKING OPERATIVE RIGHTS

The certificate of public convenience and necessity of Richard F. McCurdy and Richard F. McCurdy, Jr., has been suspended since June 18, 1959, for failure to have on file requisite evidence of liability insurance. The insurance has not been reinstated.

Effective May 2, 1960, this carrier's participation in the Western Classification was canceled pursuant to its 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.

In the circumstances, the Commission is of the opinion and finds that the operative right created by the certificate of public convenience and necessity hereinafter identified has been abandoned, and for that reason should be revoked.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity to operate as a highway common carrier granted to Richard F. McCurdy and Richard F. McCurdy, Jr., by Decision No. 56592, dated April 22, 1958, in Application No. 36438, is hereby revoked.

(2) That the powers of attorney issued by Richard F. McCurdy and Richard F. McCurdy, Jr., in favor of Consolidated Motor Tariff Bureau, Agent, and Western Classification Committee, Agent, are hereby canceled.

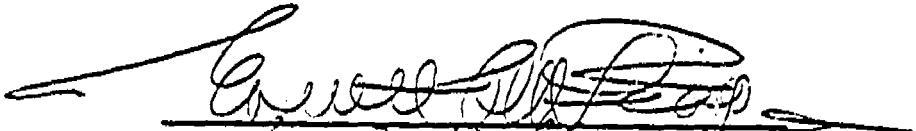
(3) That Consolidated Motor Tariff Bureau, Agent, is hereby authorized and directed to cancel the participation of Richard F. McCurdy and Richard F. McCurdy, Jr., co-partners, doing business as McCurdy & Son Transport Service from its tariffs on file with this Commission, such cancellation to be made effective within ninety days after the effective date of this order, on not less than ten days' notice to the Commission and the public.

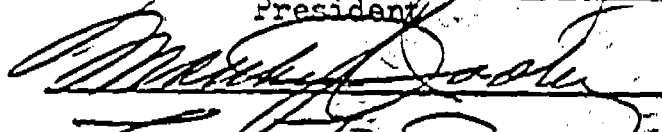
The Secretary of the Commission is hereby directed to cause personal service of a certified copy of this order to be made upon Richard F. McCurdy and Richard F. McCurdy, Jr., and to mail a copy of this order to Consolidated Motor Tariff Bureau, Agent, and Western Classification Committee, Agent.

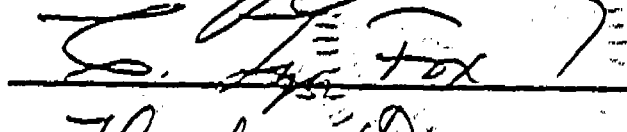
The effective date of this order shall be the twentieth day after such service, unless before such effective date Richard F. McCurdy or Richard F. McCurdy, Jr., shall have filed with this

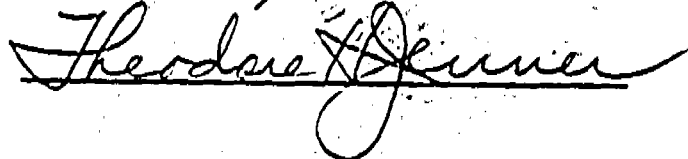
Commission a written response to this order denying the facts set forth herein, in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 24th day of May, 1960.



President






Commissioners