

Decision No. 60265

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ALMA MIDDLETON AKINS, an individual doing business as A. M. AKINS, to sell and HARRY WENDELL to purchase highway common carrier operating rights between Calistoga and Clear Lake Oaks, California and intermediate points, and between Lower Lake and Kelseyville and Lakeport, California, and intermediate points.

Application No. 35000

ORDER SUSPENDING OPERATIVE RIGHTS

Harry Wendell, doing business as Harry Wendell's Freight Line, holds a certificate of public convenience and necessity to operate as a highway common carrier of property between Calistoga, on the one hand, and points intermediate between and including Lower Lake, Lakeport and Clear Lake Oaks, on the other hand.

This carrier has not filed quarterly reports since the third quarter of 1959 and has not paid his quarterly fees since that time. Due to his failure to file such reports and pay the fees, his radial highway common carrier and highway contract carrier permits were revoked May 3, 1960.<sup>1</sup>

The Commission being of the opinion and finding that the failure of Harry Wendell to file quarterly reports and pay fees constitutes good cause for suspension of his certificate,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity acquired by Harry Wendell by Decision No. 49649 dated February 9, 1954, in Application No. 35000, is hereby suspended pending further order.

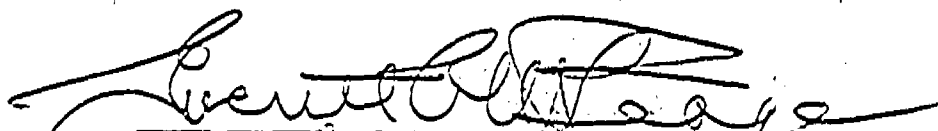


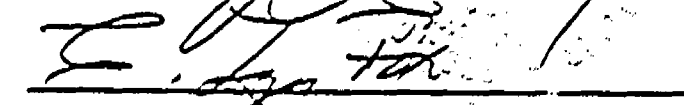

<sup>1</sup> Section 5007 of the Public Utilities Code of the State of California provides in part: "If any transportation agency referred to in this chapter is in default in the payment of the fees prescribed, other than filing fees, for a period of 30 days or more, the Commission may suspend or revoke any certificate of public convenience and necessity, permit, or license of such agency . . ."

(2) That all tariffs issued by or on behalf of Harry Wendell, doing business as Harry Wendell's Freight Line, are hereby suspended pending further order. A copy of this order shall be filed with said tariffs in the office of the Commission.

The Secretary is hereby directed to cause personal service of a certified copy of this order to be made upon Harry Wendell and a copy of this order to be mailed to Pacific Southcoast Freight Bureau, Agent; Western Classification Committee, Agent; E. J. McSweeney, Agent; and Merchants Express of California.

The effective date of this order shall be the twentieth day after such service, unless before such effective date Harry Wendell shall have paid to this Commission the fees prescribed in Section 5003 of the Public Utilities Code, or 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 14<sup>th</sup> day of June, 1960.

  
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President  
  
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Commissioners