

Decision No. 60266

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
M. P. Fischer, an individual, doing)	
business under the firm name of)	
DOWNIEVILLE STAGE LINES, for)	Application No. 39041
authority to transfer his auto pas-)	
senger certificate and certain equip-)	
ment to E. T. Van Nelson under Section)	
851-853 of the Public Utilities Code.)	

ORDER REVOKING OPERATIVE RIGHTS

By Decision No. 58919, dated August 25, 1959, in this proceeding, the certificate of public convenience and necessity of E. T. Van Nelson, insofar as it authorizes the transportation of property, was suspended for failure to have on file with this Commission a freight classification to govern the class rates published in the carriers' local express tariff, as required by Sections 486 and 493 of the Public Utilities Code.

By letter dated April 14, 1960, from the Secretary of the Commission, registered by the United States Post Office at San Francisco under No. 89856, an attempt was made to inquire of E. T. Van Nelson whether he intended to file a classification and reestablish the service in question. The letter would also have placed this carrier on notice that, unless a classification is filed and the service reestablished within a reasonable time, consideration would be given to the revocation of the certificate herein involved pursuant to lawful procedures. The registered letter addressed to Mr. E. T. Van Nelson was returned to this office by the United States Post Office on May 5, 1960, and marked "Refused".

The required classification not having been filed, and the Commission being of the opinion and finding that such failure

constitutes good cause for the revocation of the certificate insofar as it authorizes the transportation of property,

IT IS ORDERED:

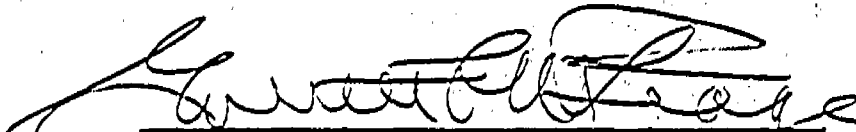
(1) That the certificate of public convenience and necessity acquired by E. T. Van Nelson by Decision No. 55187, dated June 28, 1957, in Application No. 39041, insofar as it involves the transportation of property other than the baggage of passengers, is hereby revoked.


(2) That Local Express Tariff No. 2, Cal.P.U.C. No. 2, (series of M. P. Fischer, doing business as Downieville Stage Lines), issued by E. T. Van Nelson, doing business as Downieville Stage Lines, is hereby canceled.


The Secretary is directed to cause personal service of a certified copy of this order to be made upon E. T. Van Nelson and to mail a copy of this order to Western Classification Committee, Agent, Pacific Southcoast Freight Bureau, Agent, and Pacific Motor Trucking Company.

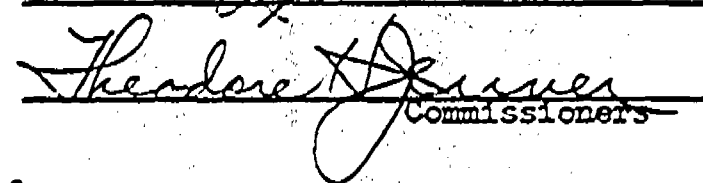
The effective date of this order shall be the twentieth day after such service, unless before such effective date E. T. Van Nelson shall have filed with this Commission a written response to this order denying the facts set forth herein, in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 14th day of June, 1960.



President






Commissioners