

Decision No. 60411**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the rates, opera-)
 tions and practices of Anthony)
 Silva, Jr., doing business as)
 TONY SILVA LIVESTOCK HAULING.)

Case No. 6432

Martin J. Porter, for the Commission staff.ORDER OF REVOCATION

On March 15, 1960, this Commission on its own motion issued an order instituting this investigation into the operations, rates and practices of Anthony Silva, Jr., doing business as Tony Silva Livestock Hauling, who has been operating over the highways of this State as a radial highway common carrier. Pursuant to this order a public hearing was held in Los Angeles on May 25, 1960, before Examiner James F. Mastoris, at which time evidence was presented by the staff of the Commission. The respondent made no appearance, nor was he represented, at this hearing although he was personally served with a copy of the order instituting investigation. His wife received and receipted for the registered notice of hearing sent to him specifying the time and place of hearing.

Purpose of Investigation

This investigation was instituted for the purpose of ascertaining whether this carrier violated the Commission's orders contained in Decision No. 58833 dated July 28, 1959, requiring the collection of certain undercharges. An additional purpose is to determine, in the event a violation did occur, whether any or all of the respondent's operating authority should be canceled or revoked.

Staff's Evidence

The staff of the Commission offered evidence showing that the respondent did not comply with ordering paragraphs four, five and six of the aforementioned Decision No. 58833 which directed, among other things, this carrier to review his records, take necessary action to collect undercharges and to submit reports to the Commission concerning the action taken. This decision also suspended the respondent's permit for a period of five days.

Testimonial evidence was presented that the respondent not only failed to obey the Commission's directives but notified the field section representative, on various occasions, that he did not intend to comply with such orders. He further declared "that it was none of the Commission's business what he did with his operations" or words to that effect, and that he had no intention of appearing on the aforementioned hearing date. Additional attempts by staff employees to see and talk with the respondent were unsuccessful in view of his refusal to meet with them. He ordered one staff representative to leave his property. He gave no reasons for his conduct and indicated that he would not object to a revocation of his permit.

On January 20, 1960, he wrote the Commission requesting voluntary suspension of his operating rights for a period of one year. As a result his permit was suspended for such period effective January 22, 1960. In addition, on March 8, 1960, this Commission notified the respondent that he was delinquent with respect to payments on his quarterly gross operating fees.

Findings

Upon the foregoing evidence of record the Commission finds that the respondent failed to comply with the orders of this Commission contained in paragraphs four, five and six of Decision No. 58833 in Case No. 6234 dated July 28, 1959, and as a result violated the Public Utilities Code of this State.

Penalty

In view of the aforementioned circumstances this carrier's radial highway common carrier permit will be revoked in the manner provided in the order which follows.

O R D E R

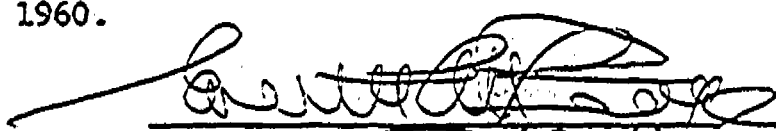
A public hearing having been held and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,


IT IS ORDERED:

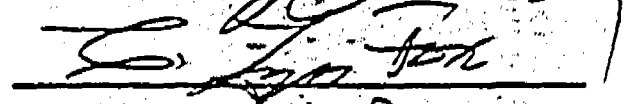
1. That Radial Highway Common Carrier Permit No. 30-3133 issued and held by Anthony Silva, Jr., is hereby revoked and canceled. The effective date of this order shall be the twentieth day after lawful service thereof unless Anthony Silva, Jr., before such effective date shall have filed with this Commission a written response to this order denying the facts set forth therein, and requesting a public hearing thereon, in which event the effective date of this order shall hereby be stayed until a hearing is held and a further order issued.

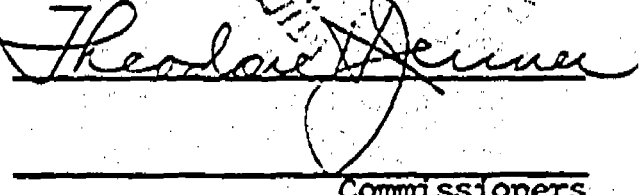
2. The Secretary of the Commission is hereby directed to cause a certified copy of this order to be served upon Anthony Silva, Jr., in the manner prescribed by law.

Dated at San Francisco, California, this 12th day of July, 1960.



President






Commissioners

-3- Peter E. Mitchell
Commissioner....., being necessarily absent, did not participate in the disposition of this proceeding.