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Decision No.

60471

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THOMAS E. REYES,
dba T. E. REYES TRUCKING, to
operate a highway common carrier
service. }

Application No. 36182

ORDER SUSPENDING OPERATIVE RIGHTS

Thomas E. Reyes, doing business as T. E. Reyes Trucking, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of fresh or green vegetables, including fresh mushrooms, and empty containers between points in Coachella Valley Territory and Los Angeles.

The Commission is in receipt of a cancellation notice, addressed to Thomas E. Reyes and dated April 14, 1960, by which the Western Motor Tariff Bureau, Inc., the carrier's tariff publishing agent, notified him that his participation in that bureau's tariffs would be canceled, effective August 1, 1960. By letter from the Secretary of the Commission, dated April 26, 1960, Thomas E. Reyes was placed on notice that his highway common carrier operative rights would be subject to suspension or revocation pursuant to lawful procedures, unless the required tariffs were filed and made effective August 1, 1960. On June 29, 1960, the carrier's tariff agent filed with this Commission a tariff revision to eliminate Thomas E. Reyes as a participating carrier, effective August 1, 1960.

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 required tariffs not being on file, and the Commission

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being of the opinion that such failure constitutes good cause for the suspension of this carrier's certificate,

IT IS ORDERED that the certificate of public convenience and necessity to operate as a highway common carrier granted to Thomas E. Reyes by Decision No. 53309, dated June 26, 1956, in Application No. 36182, is hereby suspended pending further order.

The Secretary is directed to cause personal service of a certified copy of this order to be made upon Thomas E. Reyes and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

The effective date of this order shall be the twentieth day after such service, unless before such effective date Thomas E. Reyes shall have filed with this Commission a written response to this order denying the facts set forth herein, or shall have filed proper and lawful tariffs 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 San Francisco, California, this 2nd day of August, 1960.

Cecil W. Ray
 President

W. J. ...

W. J. ...

E. ...

Heodore Deener
 Commissioners