

Decision No. 60473**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 MANUEL CASTANON for a certificate of ) Application No. 36510  
 public convenience and necessity. )

ORDER SUSPENDING OPERATIVE RIGHTS

Manuel Castanon possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of fresh fruits and vegetables between the Coachella Valley Territory, on the one hand, and Los Angeles, on the other hand.<sup>1</sup>

The Commission, on April 19, 1960, received a copy of a cancellation notice dated April 14, 1960, issued by Western Motor Tariff Bureau, Inc., Agent, addressed to the above carrier notifying him that his participation in the agency tariffs would be canceled, effective August 1, 1960. By letter from the Secretary of the Commission, dated May 17, 1960, the carrier was informed that he may not lawfully operate as a common carrier on or after August 1, 1960, unless the required tariffs, in proper and lawful form, are filed with the Commission to become effective concurrently with the cancellation date. The letter also stated that, if the required tariffs were not filed and made effective August 1, 1960, the highway common carrier operative rights herein involved would be subject to suspension or revocation pursuant to lawful procedures. On June 30, 1960, the tariff agent filed with this Commission tariff revisions to eliminate Manuel Castanon as a participating carrier, effective August 1, 1960.

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 engage or participate in the transportation of property until its schedules of rates and classifications have been filed.

<sup>1</sup> The Coachella Valley Territory is specifically defined by metes and bounds in the operative right of this carrier.

The required tariffs not being on file, and the Commission being of the opinion and finding that such failure constitutes good cause for suspension of this carrier's certificate of public convenience and necessity,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity to operate as a highway common carrier granted to Manuel Castanon by Decision No. 52894, dated April 17, 1956, in Application No. 36510, is hereby suspended pending further order.

(2) That all tariffs issued by or on behalf of Manuel Castanon 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 of the Commission is hereby directed to cause personal service of a certified copy of this order to be made upon Manuel Castanon, 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 Manuel Castanon shall have filed with this Commission a written response to this order denying the facts set forth herein or has filed 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 2<sup>nd</sup> day of August, 1960.

*Gene W. [Signature]*  
President  
*[Signature]*  
*[Signature]*  
*Theodore [Signature]*  
Commissioners