

Decision No. 60825

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THOMAS H. GRIFFEL, for a certificate
of public convenience and necessity
to operate as a highway common carrier
for the transportation of livestock
between various points and places in
California over defined routes.

Application No. 31444

ORDER SUSPENDING OPERATIVE RIGHTS

M & M Livestock Transportation, Inc., of California¹, holds a certificate of public convenience and necessity for the transportation of livestock generally statewide over 14 different routes with the right to serve off-route points within 50 miles of said routes.

The Commission, on June 20, 1960, received a copy of a cancellation notice dated June 14, 1960, issued by Western Motor Tariff Bureau, Inc., Agent, addressed to the above carrier notifying it that its participation in the agency tariffs would be canceled, effective September 30, 1960. By letter from the Secretary of the Commission, dated July 20, 1960, the carrier was informed that it may not lawfully operate as a common carrier on or after September 30, 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 September 30, 1960, the highway common carrier operative rights herein involved would be subject to suspension or revocation pursuant to lawful procedures. On August 22, 1960, the tariff agent filed with this Commission tariff revisions to eliminate M & M Livestock Transportation, Inc., of California as a participating carrier, effective September 30, 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

¹ Petition to substitute M & M Livestock Transportation, Inc., of California, as applicant in lieu of Thomas Griffel was granted by Decision No. 44837, dated September 26, 1950, in this proceeding.

provides that no common carrier shall engage or participate in the transportation of property until its schedules of rates and classifications have been filed.


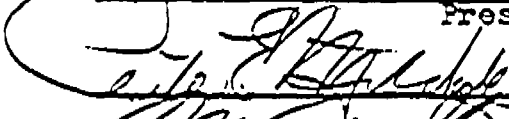
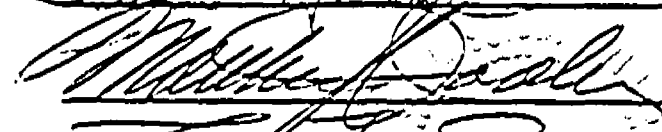
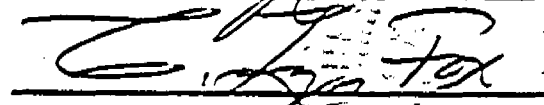
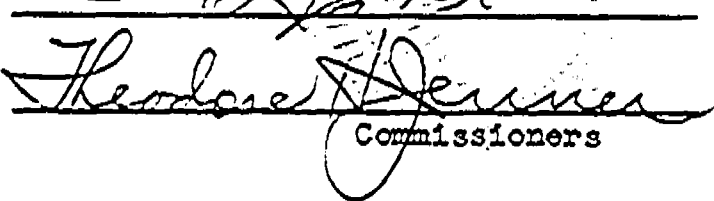
The required tariffs not being on file, and the Commission being of the opinion and finding that such failure constitutes good cause for suspension of this carrier's certificate of public convenience and necessity,

IT IS ORDERED that the certificate of public convenience and necessity granted to M & M Livestock Transportation, Inc., of California, by Decision No. 44837 in Application No. 31444, is hereby suspended pending further order.

The Secretary is hereby directed to cause service of a certified copy of this order to be made upon M & M Livestock Transportation, Inc., of California, 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 M & M Livestock Transportation, Inc., of California, 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 11th day of October, 1960.


President




Commissioners