

ORIGINAL

Decision No. 60863

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWARD J. FOURNIER of)
P. O. Box 72, Downieville, California,)
and Frank A. Misner of P. O. Box 47,)
Downieville, California, to transfer)
from Edward J. Fournier to Frank A.)
Misner, all of Edward J. Fournier's) Application No. 39252
right, title and interest in Decision)
No. 39570, and all of Edward J. Fournier's)
right, title and interest in Decision)
No. 39661 of the Public Utilities)
Commission of the State of California.)

ORDER SUSPENDING OPERATIVE RIGHTS

Frank A. Misner, doing business as The Sierra Line, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities between Sacramento, on the one hand, and Indian Flat and Downieville and intermediate points, on the other hand, and locally between Indian Flat and Downieville.

The Commission, on July 11, 1960, received a copy of a cancellation notice dated June 28, 1960, issued by Pacific Coast Tariff Bureau, C. R. Nickerson, Tariff Agent, addressed to the above carrier notifying him that his participation in the agency tariffs would be canceled, effective October 11, 1960. By letter from the Secretary of the Commission, dated July 18, 1960, the carrier was informed that he may not lawfully operate as a common carrier on or after October 11, 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 October 11, 1960, the highway common carrier operative rights herein involved would be subject to suspension or revocation pursuant to lawful procedures. On

August 12, 1960, the tariff agent filed with this Commission tariff revisions to eliminate Frank A. Misner, doing business as The Sierra Line, as a participating carrier, effective October 11, 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.

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 the carrier's certificate of public convenience and necessity,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity acquired by Frank A. Misner by Decision No. 56339, dated March 11, 1958, in Application No. 39252, is hereby suspended pending further order.

The Secretary of the Commission is hereby directed to cause service of a certified copy of this order to be made upon Frank A. Misner, and to mail a copy of this order to Pacific Coast Tariff Bureau, C. R. Nickerson, Agent, and to Western Classification Committee, Agent.

The effective date of this order shall be the twentieth day after such service, unless before such effective date Frank A. Misner 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
Theodore Tilton
Commissioners