

Decision No. 61000

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
WARREN H. DESPER, doing business as )  
Desper Terminal & Distributing Co., )  
for a certificate of public con- )  
venience and necessity to operate as )  
a highway common carrier for the )  
transportation of crated new furniture )  
and office equipment from Los Angeles, )  
California, to various points in )  
Southern California. )

Application No. 31268

ORDER REVOKING OPERATIVE RIGHTS

The highway common carrier certificate of public convenience and necessity of Warren H. Desper, doing business as Desper Terminal & Distributing Company, has been suspended since May 8, 1960, by Decision No. 59925, dated April 12, 1960, in this proceeding. The suspension was due to the fact that his participation in the Western Classification was canceled on March 14, 1959, and his participation in the tariffs of Western Motor Tariff Bureau, Inc., Agent, was canceled effective October 10, 1959.

Prior to such suspensions, Warren H. Desper was placed on notice by letters dated May 28 and June 9, 1959, that, unless the required classification and tariffs, respectively, were filed, his certificate would be subject to suspension or revocation pursuant to lawful procedures. To date the required classification and tariffs have not been filed.

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.

Besides the matters involved in the Commission's suspension order, Warren H. Desper has not paid his quarterly fees for the last nine months of 1959 nor the first six months of 1960. Section 5007 of the Public Utilities Code provides for the revocation of any certificate of public convenience and necessity when the carrier is in default in the payment of such fees.

In addition, Warren H. Desper's certificate of insurance protection, required to be kept on file with this Commission by General Order No. 100A, lapsed as of November 1, 1960.

The required classification, tariffs and evidence of liability insurance not being on file, and quarterly fees not having been paid, and the Commission being of the opinion and finding that such failures constitute good cause for the revocation of this carrier's certificate,

IT IS ORDERED:


(1) That the certificate of public convenience and necessity to operate as a highway common carrier granted to Warren H. Desper by Decision No. 44825, dated September 19, 1950, in Application No. 31268 is hereby revoked.


(2) That the powers of attorney issued by Warren H. Desper in favor of Western Classification Committee, Agent, and Western Motor Tariff Bureau, Inc., Agent, are hereby canceled.

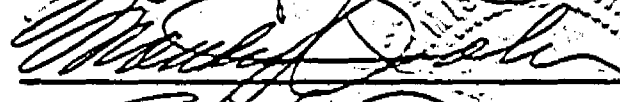
The Secretary of the Commission is directed to cause service of a certified copy of this order to be made upon Warren H. Desper, and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent, and Western Classification Committee, Agent.

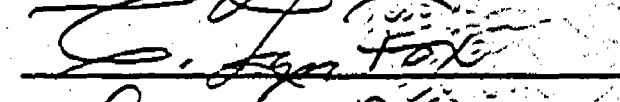
The effective date of this order shall be the thirtieth day after such service unless, before such effective date, Warren H. Desper shall have filed with this Commission a written response to this order denying the facts set forth herein, or requesting a public hearing, in which event the effective date of this order shall be stayed until further order of the Commission.

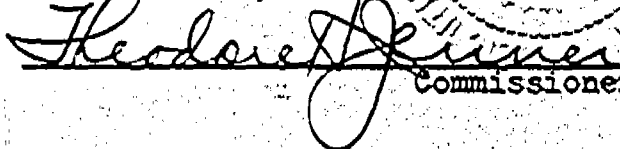
Dated at Los Angeles, California, this 1st day of November, 1960.

  
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President

  
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Member

  
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Member

  
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Member

  
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Commissioners

