

Decision No. 61001

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CLYDE STOREY, an individual, doing)
business as STOREY AUTO EXPRESS, to)
sell, and of VINCENT M. McLEOD, an)
individual, doing business as BUDWAY)
EXPRESS, to purchase, a certificate)
of public convenience for the trans-)
portation of automobile parts, acces-)
sories and supplies between Los Angeles,)
Wilmington and San Pedro pursuant to)
Sections 851-853 of the California)
Public Utilities Code.)

Application No. 42046

ORDER SUSPENDING OPERATIVE RIGHTS

Vincent M. McLeod, doing business as Budway Express, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of automobile parts, accessories and supplies between Los Angeles, ¹ Wilmington and San Pedro.

Subsequent to acquiring this certificate, Vincent M. McLeod issued an Adoption Notice, Cal.P.U.C. No. 1, effective May 23, 1960, adopting all tariffs, classifications, rules, powers of attorney or other instruments filed with this Commission by Clyde Storey, his predecessor, prior to said date.

The Commission is now in receipt of a cancellation notice, dated July 7, 1960, and addressed to Clyde Storey, the former owner, by which the Western Classification Committee, Agent, notified him that his participation in Western Classification 77 would be canceled, effective October 7, 1960. By letter from the Secretary of the Commission, dated September 2, 1960, Vincent M. McLeod, the present owner, was placed on notice that his highway common carrier operative

¹ This operative right was acquired by transfer thereof from Clyde Storey, doing business as Storey Auto Express, pursuant to Decision No. 60049, dated May 3, 1960, in this proceeding.

rights would be subject to suspension or revocation pursuant to lawful procedures, unless the required classification is filed and made effective October 7, 1960. On September 16, 1960, the Western Classification Committee, Agent, filed with this Commission a supplement to its classification to eliminate Clyde Storey, doing business as Storey Auto Express, as a participating carrier therein, effective November 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 classification not being on file, and the Commission being of the opinion that such failure constitutes good cause for the suspension of this carrier's certificate,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity to operate as a highway common carrier acquired by Vincent M. McLeod, by Decision No. 60049, dated May 3, 1960, in Application No. 42046, is hereby suspended pending further order.


(2) That all tariffs issued by or adopted by Vincent M. McLeod, doing business as Sudway Express, are hereby suspended pending further order. A copy of this order shall be filed with said tariffs in the office of the Commission.

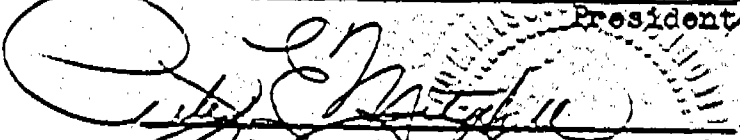
The Secretary is directed to cause service of a certified copy of this order to be made upon Vincent M. McLeod and to mail a copy of this order to Western Classification Committee, Agent, and Western Motor Tariff Bureau, Inc., Agent.

The effective date of this order shall be the twentieth day after such service, unless before such effective date Vincent M. McLeod shall have filed with this Commission a written response to

this order denying the facts set forth herein, or shall have filed a proper and lawful freight classification 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 Los Angeles, California, this 1st day of November, 1960.



President


J. Edgar Hoover

E. L. Fox

Theodore T. Jensen
Commissioners