

Decision No. 61048

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the service and operations of Foster Transportation, Inc., a passenger stage corporation.

Case No. 6583

Richard E. Schlottman, for A. A. Smith,
Trustee in Bankruptcy.
Elinore Charles, for the Commission staff.

O P I N I O N

This is an investigation on the Commission's own motion filed on June 30, 1960, to determine whether Foster Transportation, Inc., a passenger stage corporation, has discontinued operations without having obtained authorization from this Commission.

Public hearing was held in Los Angeles on July 13, 1960, before Examiner Rowe, at which time evidence was adduced and at the request of intervenor A. A. Smith, the Trustee in Bankruptcy for Foster Transportation, Inc., the matter was continued to September 7, 1960, with the assurance that before said time a purchaser for Foster's operative rights would be procured.

Since no such purchaser was procured the matter was taken off calendar. At the further request of intervenor, submission was deferred until September 13, 1960, upon further assurance that by said date an application for transfer of such rights would be filed. No such application having been filed, the matter is now considered as submitted and ready for decision.

From evidence of record the Commission finds that Foster Transportation, Inc., has been operating as a passenger stage corporation pursuant to authority of a certificate of public convenience and necessity issued by order of this Commission in Decision No. 58327 dated April 28, 1959, in Application No. 40819, and that said passenger stage corporation, without previous Commission

authorization did discontinue such passenger stage service on June 25, 1960, and has not operated subsequently. Because of such cessation of service the Commission further finds that said Foster Transportation, Inc., has abandoned all passenger stage service and that said operative rights should be canceled and revoked.

O R D E R

An investigation having been instituted, public hearing having been held and the matter now being submitted,

IT IS ORDERED that the certificate of public convenience and necessity issued to Foster Transportation, Inc., by Decision No. 58327 dated April 28, 1959, in Application No. 40819, is hereby canceled and revoked.

IT IS FURTHER ORDERED that all tariffs and timetables filed with this Commission by said Foster Transportation, Inc., are hereby canceled and revoked.

The Secretary of this Commission is directed to serve by registered mail, a certified copy of this order upon said corporation and upon intervenor A. A. Smith, as Trustee in Bankruptcy.

The effective date of this order shall be ten days after such service.

Dated at San Francisco, California,
this 15th day of November, 1960.

[Signature]
President

[Signature]

[Signature]

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Commissioners