

**ORIGINAL**

Decision No. 61387

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
FLOYD R. HARVEY, doing business as )  
HARVEY VACUUM TRUCK SERVICE, for a )  
certificate of Public Convenience and ) Application No. 36396  
Necessity to operate vacuum tank trucks )  
as a petroleum irregular route carrier )  
in the State of California. )

ORDER REVOKING OPERATIVE RIGHTS

The petroleum irregular route carrier certificate of Floyd R. Harvey, doing business as Harvey Vacuum Truck Service, has been suspended since July 17, 1960, by Decision No. 60361, dated July 5, 1960, in this proceeding. The suspension was due to his failure to have evidence of liability insurance protection on file as required by the Commission's General Order No. 100A. To date evidence of such protection has not been filed.

The Commission's records now show that Floyd R. Harvey has not paid his quarterly fees for the second or third quarters of 1960. Section 5007 of the Public Utilities Code provides for the suspension or revocation of any certificate of public convenience and necessity when the carrier is in default in the payment of such fees.

In addition, the Commission has received a copy of a notice, dated September 7, 1960, addressed to the carrier, whereby the Western Motor Tariff Bureau, Inc., Agent, notified him that all tariffs published by said bureau for his account would be canceled effective December 15, 1960. Subsequently, by letter from the Secretary of the Commission, Floyd R. Harvey was placed on

notice that his common carrier operative rights would be subject to further suspension or possible revocation, pursuant to lawful procedures, unless the necessary tariffs as required by Section 493 of the Public Utilities Code were filed and made effective December 15, 1960. By tariff amendment filed on November 16, 1960, the Western Motor Tariff Bureau, Inc., Agent, has canceled the participation of Floyd R. Harvey in its tariffs effective January 1, 1961.

Evidence of liability insurance and the required tariffs not being on file, quarterly fees not having been paid, and the Commission being of the opinion and finding that these circumstances constitute good cause for the revocation of this carrier's certificate,

IT IS ORDERED:

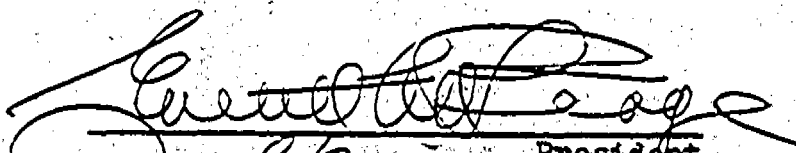
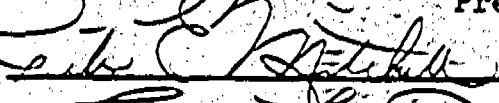
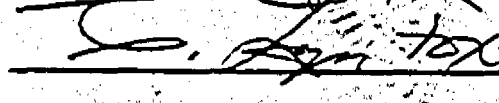
(1) That the certificate of public convenience and necessity to operate as a petroleum irregular route carrier granted to Floyd R. Harvey by Decision No. 51454, dated May 10, 1955, in Application No. 36396, is hereby revoked.

(2) That the power of attorney issued by Floyd R. Harvey in favor of J. L. Beeler, Agent, is hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Floyd R. Harvey, and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

The effective date of this order shall be the thirtieth day after such service unless before such effective date Floyd R. Harvey 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 San Francisco, California, this 24th day of January, 1961.

  
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President  
  
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Commissioners