

ORIGINAL

Decision No. 61388

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
THOMAS R. GRIFFEL, for a certificate)
of public convenience and necessity)
to operate as a highway common carrier) Application No. 31444
for the transportation of livestock)
between various points and places in)
California over defined routes.)

ORDER REVOKING OPERATIVE RIGHTS

M & M Livestock Transportation, Inc., of California, holds a certificate of public convenience and necessity for the transportation of livestock generally statewide.¹

By Decision No. 59948, dated April 19, 1960, in this proceeding, the certificate was suspended for failure to file quarterly reports and pay quarterly fees for the third and fourth quarters of 1959 and the first quarter of 1960. Subsequently minimum fees only were paid for those periods and the suspension was vacated by Decision No. 60281, dated June 20, 1960. The carrier's certificate was again suspended effective October 27, 1960, by Decision No. 60825, dated October 4, 1960, for the further reason that its participation in agency tariffs was canceled effective September 30, 1960.

The carrier is again delinquent in filing quarterly reports and paying quarterly fees. Its quarterly reports and fees for the second and third quarters of 1960 have not been received. Moreover, notices addressed to the carrier have been returned marked "Out of Business".

¹ Petition to substitute M & M Livestock Transportation, Inc., of California, as applicant in lieu of Thomas Griffel was granted by Decision No. 44837, dated September 26, 1950, in this proceeding.

Section 5007 of the Public Utilities Code provides for revocation of any certificate of public convenience and necessity when the carrier is in default in the payment of fees. Section 486 of the 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 quarterly reports and tariff schedules not being on file and the quarterly fees not being paid, the carrier apparently having abandoned all operations, and the Commission being of the opinion and finding that such failures and abandonment constitute good cause for 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 M & M Livestock Transportation, Inc., of California, by Decision No. 44837, dated September 26, 1950, in Application No. 31444, is hereby revoked.

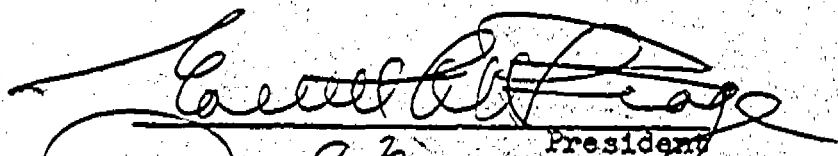
(2) That Power of Attorney AFL No. 2 issued by M & M Livestock Transportation, Inc., of California, in favor of Western Motor Tariff Bureau, Inc., Agent, is hereby canceled.

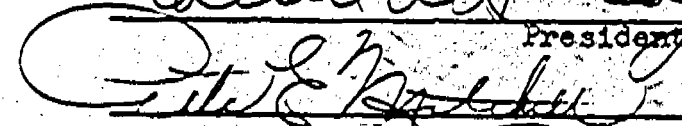
The Secretary is directed to cause service of a certified copy of this order to be made upon M & M Livestock Transportation, Inc., of California, and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

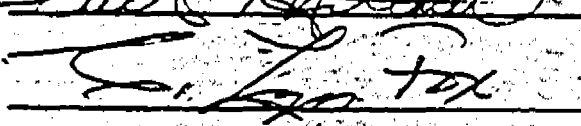
The effective date of this order shall be the thirtieth day after service upon M & M Livestock Transportation, Inc., of California, unless before such effective date there shall have been

filed with this Commission a written response to this order denying the facts set forth herein, or requesting 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.



President




Commissioners