

ORIGINAL

Decision No. 61638

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF)	
Harry Marker as Administrator of the)	
Estate of A. E. Marker, deceased, to)	
sell, and Harry Marker to purchase an)	Application No. 26676
automobile freight line operated between)	
San Diego and Tecate, California.)	

ORDER REVOKING OPERATIVE RIGHTS

By Decision No. 37840, dated May 1, 1945, in this proceeding, Harry Marker acquired a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of freight between San Diego, Tecate and intermediate points.

By registered letter dated December 15, 1960, the Commission's Secretary informed the carrier that the required amendments to his highway common carrier tariff had not been received.¹ He was requested to inform the Commission what action he intended to take with regard to his certificate and was informed that if no reply was received within fifteen days after the date thereof, consideration would be given to revocation of the certificate and cancellation of his tariff. No reply to that letter has been received.

Harry Marker having apparently abandoned all highway common carrier operations, having failed to respond to Commission correspondence and to maintain his tariffs on file in conformity with

¹This letter was written in response to a letter (undated) from Harry Marker stating that no highway common carrier business had been performed since March 14, 1960, and that he wanted his "Franchise made inactive." Effective February 11, 1961, this carrier's participation to the Western Classification was canceled.

the Commission's outstanding minimum rate orders, and the Commission being of the opinion and finding that such abandonment and failures constitute good cause for revocation of the certificate and cancellation of the tariffs applicable to services thereunder,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity acquired by Harry Marker by Decision No. 37840, dated May 1, 1945, in Application No. 26676, is hereby revoked.

(2) That Local Freight Tariff C.R.C. No. 6, issued by Harry Marker, doing business as San Diego and Tecate Auto Service, is hereby canceled.

(3) That Pacific Southcoast Freight Bureau, Agent, is hereby authorized and directed to cancel the participation of Harry Marker, doing business as San Diego and Tecate Auto Service, from its tariffs on file with this Commission, said cancellation to be made within 90 days after the effective date of this order, and on not less than five days' notice to the Commission and the public.

(4) That powers of attorney issued by Harry Marker, doing business as San Diego and Tecate Auto Service, in favor of Pacific Southcoast Freight Bureau, Agent, and Western Classification Committee, Agent, are hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Harry Marker and to mail a copy of this order to Pacific Southcoast Freight Bureau, Agent, and Western Classification Committee, Agent.

The effective date of this order shall be the thirtieth day after service thereof upon Harry Marker, 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 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 7th day of March, 1961.

President
C. L. Taylor

George B. Weaver

Fredrick B. Hill

Commissioners