

**ORIGINAL**

Decision No. 62350

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BATTEATE LIVESTOCK TRANSPORTATION )  
CO., a corporation, for an extension )  
of its certificate of public con- ) Application No. 31139  
venience and necessity as a highway )  
common carrier for the transporta- )  
tion of livestock. )

ORDER REVOKING OPERATIVE RIGHTS

The Commission received a cancellation notice dated March 31, 1961, from Western Motor Tariff Bureau, Inc., whereby the Bureau notified Batteate Livestock Transportation Co. that its participation in Livestock Carriers Local Freight Tariff No. 105, Cal.P.U.C. No. 9, and Distance Table No. 4, Cal.P.U.C. No. 15 (J. L. Beeler series), would be canceled effective July 10, 1961. The certificate of public convenience and necessity issued to the above-named carrier was suspended June 28, 1961, for failure to have on file requisite evidence of liability insurance. <sup>1</sup> The insurance has not been reinstated nor has the carrier been filing its quarterly reports and paying its Transportation Rate Fund fees.

By letter from the Secretary of the Commission dated April 11, 1961, this carrier was placed on notice that its highway common carrier operative rights would be subject to suspension or revocation, pursuant to lawful procedures, unless new tariffs were filed and made effective concurrently with the scheduled cancellations. On June 7, 1961, Western Motor Tariff Bureau, Inc., Agent, filed with this Commission revised tariff pages eliminating Batteate Livestock Transportation Co. as a participating carrier in the aforementioned Western Motor Tariff Bureau tariffs effective July 10, 1961. The carrier has not filed tariffs to replace the

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The certificate authorizes service as a highway common carrier for the transportation of livestock generally statewide.

canceled tariffs.

Batteate Livestock Transportation Co. having failed to have on file evidence of liability insurance, having failed to file quarterly reports and pay Transportation Rate Fund fees, having failed to maintain tariffs in effect, and the Commission being of the opinion and finding that such failures constitute good cause for revocation of the certificate,

IT IS ORDERED that:

(1) The certificate of public convenience and necessity to operate as a highway common carrier granted to Batteate Livestock Transportation Co., a corporation, in Ordering Paragraph (1)(c) of Decision No. 44523 dated July 11, 1950, in Application No. 31139, is hereby revoked.

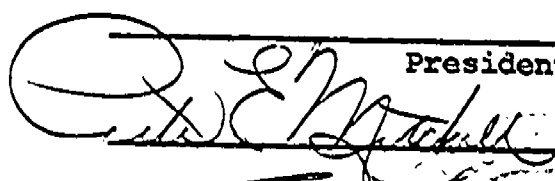
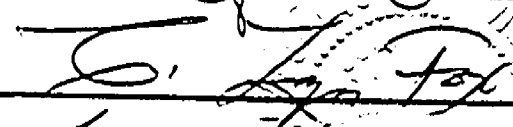
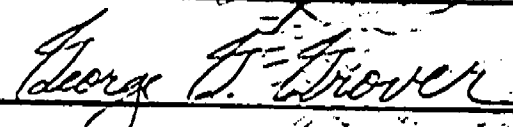
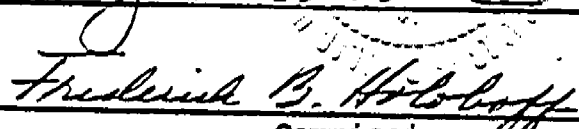
(2) Power of Attorney AFL No. 2 issued by Batteate Livestock Transportation Co., in favor of Western Motor Tariff Bureau, Inc., is hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Batteate Livestock Transportation Co. or to mail a certified copy thereof to it at its last known address as shown in the Commission's records 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 upon Batteate Livestock Transportation Co. or after the above mailing, as the case may be, 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 25<sup>th</sup> day of July, 1961.

  
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President  
  
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Commissioners