

ORIGINAL

Decision No. 62378

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ALMA MIDDLETON AKINS, an individual)
doing business as A. M. AKINS, to)
sell and HARRY WENDELL to purchase)
highway common carrier operating)
rights between Calistoga and)
Clear Lake Oaks, California, and)
intermediate points, and between)
Lower Lake and Kelseyville and)
Lakeport, California, and)
intermediate points.)

Application No. 35000

ORDER REVOKING OPERATIVE RIGHTS

The certificate of public convenience and necessity acquired by Harry Wendell, doing business as Harry Wendell's Freight Line, has been suspended since July 12, 1960, for failure to file quarterly reports and pay the Transportation Rate Fund fees as required under the Public Utilities Code.¹ He has not paid such fees since the first quarter of 1960. His insurance lapsed August 11, 1960, and has not been reinstated. Also, his participation in the freight classification applicable to his tariffs has been canceled by the publishing agent.

Harry Wendell having failed to file quarterly reports and pay Transportation Rate Fund fees, having failed to have on file evidence of liability insurance, having failed to maintain a freight classification in effect, and the Commission being of the opinion and finding that such failures constitute good cause for revocation of the

¹The certificate authorizes service as a highway common carrier between Calistoga, on the one hand, and points intermediate between and including Lower Lake, Lakeport and Clear Lake Oaks, on the other hand.

certificate and cancellation of the remaining tariffs and related concurrences and powers of attorney,

IT IS ORDERED that:

(1) The certificate of public convenience and necessity acquired by Harry Wendell by Decision No. 49649 dated February 9, 1954, in Application No. 35000, is hereby revoked.

(2) Local Freight Tariff No. 1, Cal.P.U.C. No. 2, of Harry Wendell, doing business as Harry Wendell's Freight Line, is hereby canceled.

(3) Merchants Express of California and Pacific Southcoast Freight Bureau are hereby authorized and directed to cancel the participation of Harry Wendell, doing business as Harry Wendell's Freight Line, from their tariffs on file with this Commission, said cancellations to be made within ninety days after the effective date of this order and on not less than five days' notice to the Commission and the public.

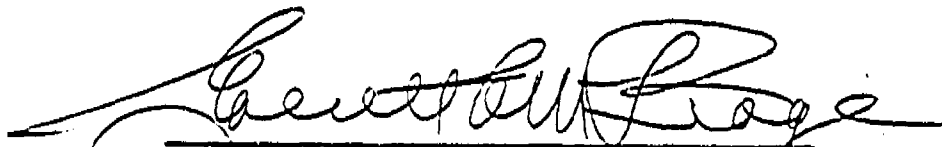
(4) Concurrence AF2 No. 1 in favor of Merchants Express of California and Powers of Attorney AFL No. 3, AFL No. 4 and AFL No. 5 in favor of Pacific Southcoast Freight Bureau, Western Classification Committee and E. J. McSweeney, respectively, issued by Harry Wendell, doing business as Harry Wendell's Freight Line, are hereby canceled.


The Secretary is directed to cause service of a certified copy of this order to be made upon Harry Wendell or to mail a certified copy thereof to him at his last known address as shown in the Commission's records and to mail a copy of this order to E. J. McSweeney, Merchants Express of California, Western Classification Committee and Pacific Southcoast Freight Bureau.


The effective date of this order shall be the thirtieth day after such service upon Harry Wendell or after the above mailing to Harry Wendell, 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 1st day of August, 1961.



President








Commissioners