

62504

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WALTER G. MITCHELL, JR., an individual,
doing business as AUTO FAST FREIGHT, for
a Certificate of Public Convenience and
Necessity extending his operations as a
common carrier for the transportation of
property and for removal of a certain
restriction under his present authority.

Application No. 41557

ORDER SUSPENDING OPERATIVE RIGHTS

Walter G. Mitchell, Jr., doing business as Auto Fast Freight, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities between a designated area in the City of Los Angeles and Santa Ana, on the one hand, and various points in Los Angeles, Orange and San Bernardino Counties, on the other hand.

The Commission received cancellation notices dated April 21 and May 24, 1961, addressed to Mitchell whereby Western Classification Committee, Agent, and Interstate Freight Carriers' Conference, Inc., Agent, notified him that his participation in the classification and tariffs would be canceled on dates specified.¹

Subsequently, by letters from the Secretary of the Commission, Mitchell was placed on notice that his highway common carrier operative rights would be subject to suspension or revocation, pursuant to lawful procedures, should he fail to maintain a classification and tariffs in effect. The publishing agents have filed with this Commission tariff revisions canceling the participation of

¹ The classification is Western Classification 77 of Western Classification Committee, Agent; the tariffs are Scope of Operations Tariff No. 9, Cal.P.U.C. No. 4, and California Common Carrier Motor Freight Local and Joint Tariff No. 10, Cal.P.U.C. No. 2, of Interstate Freight Carriers Conference, Inc., Agent.

Mitchell, from the classification and tariffs effective on August 1 and August 28, 1961, respectively. The carrier has not filed a classification and tariffs to replace the canceled classification and tariffs.

Section 486 of the Public Utilities Code requires that common carriers of property file with this 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 classification and tariffs not being on file, and the Commission being of the opinion and finding that such failures constitute good cause for the suspension of this carrier's certificate,

IT IS ORDERED that:

(1) The certificate of public convenience and necessity to operate as a highway common carrier granted to Walter G. Mitchell, Jr., by Decision No. 60008, dated April 26, 1960, in Application No. 41557, is hereby suspended pending further order.

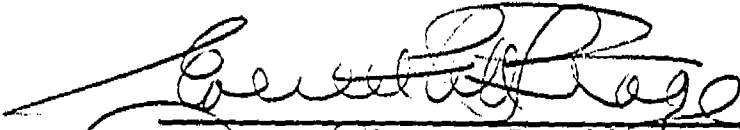
(2) All remaining tariffs issued by or on behalf of Walter G. Mitchell, Jr., are hereby suspended pending further order. A copy of this order shall be filed with said tariffs in the office of the Commission.


The Secretary is directed to cause service of a certified copy of this order to be made upon Walter G. Mitchell, Jr., or to mail a certified copy thereof to him at his last known address as shown in the Commission's records.

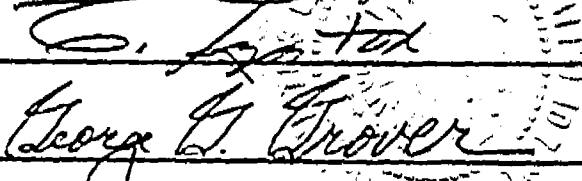
The effective date of this order shall be the twentieth day after such service or after the above mailing, as the case may be, unless before such effective date Walter G. Mitchell, Jr., shall

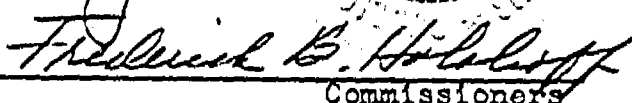
have filed with this Commission a written response to this order denying the facts set forth herein, or shall have filed the proper and lawful freight classification and tariffs as required by Sections 486 and 493 of the Public Utilities Code, in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 29th day of August, 1961.



President


J. L. Foster


George L. Grover


Frederick B. Holmoff
Commissioners