

62603

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RUSSELL S. STOWELL and ALBERT B.)
COMPHER, a partnership, dba PACIFIC)
TRANSFER, VAN & TRUCK COMPANY, to)
transfer Highway Common Carrier) Application No. 41524
Certificate and Public Warehouse)
Certificate to BALBOA WAREHOUSE)
CORPORATION, dba PACIFIC TRANSFER,)
VAN & TRUCK COMPANY.)

ORDER REVOKING OPERATIVE RIGHTS

By Decision No. 59254, dated November 10, 1959, in this proceeding, Balboa Warehouse Corporation acquired a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of baggage, pianos and general merchandise between San Diego, Coronado and North Island.

By letter dated May 11, 1961, the carrier asked that it be relieved from filing an annual report as a Class III highway common carrier on the ground that it had not operated as such during the year 1960.¹ By registered letter dated June 23, 1961, the Commission's Secretary requested the carrier to inform the Commission whether it intended to renew operations under its highway common carrier certificate of public convenience and necessity. The letter stated that if no reply were received within fifteen days after receipt of that letter, consideration would be given to suspension or revocation of the certificate. The letter was delivered to the carrier on June 29, 1961. No reply has been received by the Commission.

¹ This letter was signed by R. J. Taylor, President, on letterhead of Pacific Transfer, Van & Truck Co., which the Commission's records show is the fictitious operating name of Balboa Warehouse Corporation.

Balboa Warehouse Corporation having apparently discontinued the highway common carrier operations herein involved without authority, having failed to make timely filing of an annual report as required by Section 584 of the Public Utilities Code, and the Commission being of the opinion and finding that such abandonment and failure constitute good cause for revocation of the certificate of public convenience and necessity to operate as a highway common carrier, and of tariffs applicable to service thereunder,

IT IS ORDERED that:

(1) The certificate of public convenience and necessity to operate as a highway common carrier acquired by Balboa Warehouse Corporation by Decision No. 59254, dated November 10, 1959, in Application No. 41524, is revoked.

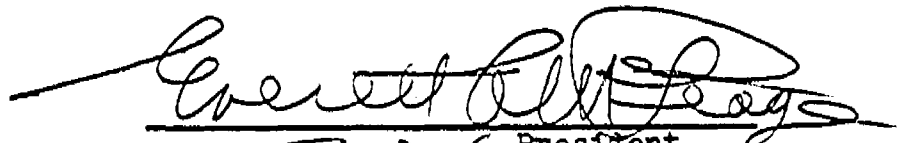
(2) Western Motor Tariff Bureau, Inc., Agent, is hereby authorized and directed to cancel the participation of Balboa Warehouse Corporation, dba Pacific Transfer, Van & Truck Company, from its tariffs on file with this Commission, said cancellation to be made within ninety days after the effective date of this order and on not less than five days' notice to the Commission and the public.


(3) Power of Attorney AF1 No. 1, in favor of Western Motor Tariff Bureau, Inc., Agent, issued by Balboa Warehouse Corporation, dba Pacific Transfer, Van & Truck Company, is hereby canceled.


The Secretary is directed to cause service of a certified copy of this order to be made upon Balboa Warehouse Corporation 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 Balboa Warehouse Corporation 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 25th day of September, 1961.



President






Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.