

ORIGINAL

Decision No. 62704

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation concerning the failure
of TANKLINER SERVICE, INC., and of
other carriers named in Appendix A
to this order, to file annual reports
for the year ended December 31, 1959.

Case No. 6982

Investigation concerning the failure
of CALIFORNIA FREIGHTWAYS, a corpora-
tion, and of other carriers named in
Appendix A to this order, to file
annual reports for the year ended
December 31, 1959.

Case No. 6983

J. W. Ashford, for Bassco Drayage.
James W. Fore and Maurice A. Owens, for Fore
Trucking Co., Inc.
F. T. Jewett, for Mercury Parcel and Drayage Service.
William W. Applegate, for Applegate Drayage Co.
William A. Kerr, for Albert Moniz and Louella G.
Corcoran, dba Coast Line Draying Co. and Coast
Drayage.
Parley P. Borgquist, for J. D. Transportation Co.,
Inc., and Edwin J. Bieler, dba J. D. Transportation.
H. J. Bischoff, for California Freightways.
W. J. Timmings and R. J. Armitage, for Tankliner
Service, Inc.
Ray Hawkins, for Garibaldi Equipment Co.
William C. Bricca, for the Commission's staff.

O P I N I O N

These investigations were instituted by the Commission on October 4, 1960, on its own motion, into the purported failure of certain carriers to file their required annual reports for the year 1959. The purpose of the investigation is to determine whether the operating authority of these carriers should be canceled, revoked, or suspended, or whether any other appropriate order should be issued.

Public hearings, after due notice, were held on a consolidated record before Examiner John M. Gregory in San Francisco on November 15 and in Los Angeles on November 17, 1960. The cases were

then adjourned to permit further staff investigation concerning compliance by respondents and other carriers with the annual report filing requirements for the year ended December 31, 1960.

The record shows that the Commission, by Resolution No. 286, dated October 20, 1959, Resolution No. 288, dated December 28, 1959, and Resolution No. 295, dated February 9, 1960, approved annual report forms for motor carriers of property and Class B carriers by water and directed such carriers to file their 1959 annual reports on or before March 31, 1960. The resolutions required certificated carriers, regardless of size, and permitted carriers having annual operating revenues in excess of \$200,000 to file reports. The present proceedings arose out of the failure of some carriers to comply with the Commission's directives.

On reviewing the record in the proceedings, together with the related annual report files, we find and conclude:

1. That the matters should be taken under submission without further hearing.

2. That respondents Gordon H. Ball, Millen L. Simpson, Wm. D. Sorensen, and John W. Ashford, doing business as Bassco Drayage, and George Pistacchio, Joseph Pistacchio, and Frank Montevacchi, doing business as C & J Pistacchio Trucking, have made filings and that as to these carriers the proceedings should be dismissed.

3. That respondents J. K. Harrison, John G. Brunello and Ritz Brunello, and Mel's Trucking Service, a corporation, are permitted carriers having average annual operating revenues for the three years ended 1959 of less than \$200,000 and that, accordingly, they do not come within the scope of the investigation and as to them the proceedings should be dismissed.

4. That respondents Garibaldi Equipment Co., Inc.; Richard F. McCurdy and Richard F. McCurdy, Jr., doing business as McCurdy &

Son Transport Service; M & M Livestock Transportation, Inc.; Phillip F. Rogers, and William A. Rupley and Theodore Rupley, doing business as Rupley Bros. Logging Co., have ceased to operate or have been suspended; that no useful purpose would be served by continuing the proceedings against them; and that as to such carriers the proceedings should be dismissed.

5. That the following named respondents have filed their 1959 annual reports subsequent to the date of the orders instituting investigation:

Tankliner Service, Inc.

Albert C. Moniz and Louella G. Corcoran,
doing business as Coast Line Draying Co.,
and Coast Drayage, a corporation.

Frederick T. Jewett and John P. Lee, doing
business as Mercury Parcel and Drayage
Service.

Applegate Draying Company.

James W. Fore and Fore Trucking Co., a
corporation.

California Freightways, a corporation.

Flour, Inc.

Albert S. Handy, Jr., doing business as
Handy Motor Lines, and Handy Motor Lines, Inc.

Edwin J. Bieler and Bernard Shapiro, doing
business as J. D. Transportation Co., and
J. D. Transportation, a corporation.

Valley Vacuum Tank Truck Service, Inc.
BBD Transportation Co., Inc.

6. That such reports were not filed/on time by said carriers; that there appear to have been mitigating circumstances in particular instances for such late filings; that no useful purpose would be served by continuing the proceedings against them; and that as to said carriers the proceedings should be dismissed.

7. That 1959 annual reports were not filed by the following carriers before the dates of the hearings in these proceedings and have not subsequently been filed:

Ray F. Maher, doing business as
East Bay Delivery Co.

Clarence Joseph Perry, doing business
as C. J. Perry Trucking.

West Trucking Service, Inc.

Berkeley Transportation Co.

Moses Meiselman, doing business as
Mann Trucking Co.

8. That the carriers named in the next preceding paragraph should be directed to file their 1959 annual reports within fifteen days after the effective date of this order and that if any such carrier does not file his or its annual report within said fifteen-day period all his or its operative authority, certificates or permits shall be suspended until further order of the Commission.

We will enter an order in accordance with these findings.

O R D E R

Public hearings having been held herein, evidence having been received and considered, the Commission being of the opinion that further hearing herein is unwarranted and that the matters should now be taken under submission, and basing its order on the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED that:

1. The Commission's investigations herein, Cases Nos. 6982 and 6983, be and each of them is submitted for decision on a consolidated record.

2. Each of the respondents hereinafter named is directed to file with the Commission, within fifteen days after the effective date of this order, its or his annual report for the year ended December 31, 1959, and that if any such annual report is not filed within said period, then, upon the filing of a certificate by the Secretary that such annual report has not been filed within the time prescribed, all operating rights then held by such respondent or respondents and tariffs applicable in connection therewith will be suspended by supplemental orders herein:

Ray F. Maher, doing business
as East Bay Delivery Co.

Clarence Joseph Perry, doing business
as C. J. Perry Trucking.

West Trucking Service, Inc.

Berkeley Transportation Co.

Moses Meiselman, doing business as
Mann Trucking Co.

3. Except as hereinabove ordered, the investigations herein are and each of them hereby is dismissed.

4. The Secretary is directed to cause personal service of this decision to be made upon each of the respondents named in paragraph 2 above.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th
day of October, 1961.

Charles P. Raga
President
George D. Hoover
Commissioners
Fredrick B. Halbach