

ORIGINAL

Decision No. 63800

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 FRANK MISNER, dba SIERRA FREIGHT )  
 LINES, for authority to suspend for )  
 a period of one year a highway com- )  
 mon carrier certificate granted by )  
 Decision No. 56339, Sacramento, )  
 Indian Flat, and Downieville. )

Application No. 44449

OPINION AND ORDER

Frank Misner, doing business as Sierra Freight Lines, and presently authorized to operate as a highway common carrier for the transportation of general commodities between Sacramento, on the one hand, and Indian Flat and Downieville and intermediate points, on the other hand, and locally between Indian Flat and Downieville, requests that his operating authority be suspended for the period of one year.

It is alleged that the area served is sparsely settled and that shipments originating at or destined to points within the certificated area are few and light; that shortly after being certificated in 1958 a competitor, operating under permitted authority, solicited and diverted applicant's customers; that applicant was forced to reduce service from three times a week to twice a week; that because of a continuing loss applicant was forced to cease his certificated operations during the summer of 1961 and has since operated as a permitted carrier in mountainous territory; that he hopes to either resume his certificated operations, when financially able, or to sell his operating authority when he can find a buyer; and that a year's suspension of his operating authority would be sufficient for his purposes.

The Commission's records indicate that applicant's operating authority is currently under indefinite suspension pursuant to General Order No. 100-B for failure to have evidence of liability insurance on file. Applicant has also failed to maintain a classification on file as required by Sections 486 and 493 of the Public Utilities Code. Rather than a definite period the suspension will be continued indefinitely until applicant complies with the provisions of General Order No. 100-B and Sections 486 and 493 of the Public Utilities Code. A public hearing is not necessary.

Therefore good cause appearing,

IT IS ORDERED that:

1. The operating authority granted by Decision No. 56339 is hereby suspended until further order of this Commission.

2. All tariffs issued by or on behalf of Frank Misner are hereby suspended pending further order. A copy of this order shall be filed with said tariffs in the office of the Commission.

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

Dated at San Francisco, California, this 2nd day of July, 1962.

[Signature]  
President  
[Signature]  
[Signature]  
Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.