

**ORIGINAL**

64302

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of RAY F. MAHER, doing business )  
as EAST BAY DELIVERY CO., a sole )  
proprietorship, for a certificate )  
of public convenience and necessity )  
as a highway common carrier. )

Application No. 36093

ORDER SUSPENDING OPERATIVE RIGHT

Ray F. Maher, doing business as East Bay Delivery Co., possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of specified commodities between Oakland, on the one hand, and various points in Alameda, Contra Costa and Solano Counties, on the other hand, and between Oakland and Berkeley, on the one hand, and various points in Alameda County, on the other hand.

The Commission received a copy of a cancellation notice dated May 10, 1962, addressed to Maher whereby Western Classification Committee, Agent, notified him that his participation in Western Classification 77 would be canceled effective August 15, 1962.

Subsequently, by letter from the Secretary of the Commission, Maher was placed on notice that his highway common carrier operative right would be subject to suspension or revocation, pursuant to lawful procedures, should he fail to maintain a classification in effect. The publishing agent filed with this Commission a tariff revision canceling the participation of Maher effective August 15, 1962. The carrier has not filed a classification to replace the canceled classification.

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 not being on file and the Commission being of the opinion and finding that such failure constitutes 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 Ray F. Maher by Decision No. 53879 dated October 9, 1956, in Application No. 36093 is hereby suspended pending further order.

2. All otherwise effective tariff filings of such carrier filed as a highway common carrier pursuant to the certificate granted by the decision referred to above are hereby suspended. Suspension supplements to tariff filings so suspended are not required and shall not be filed.

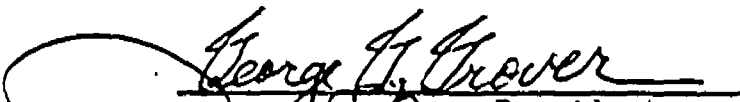

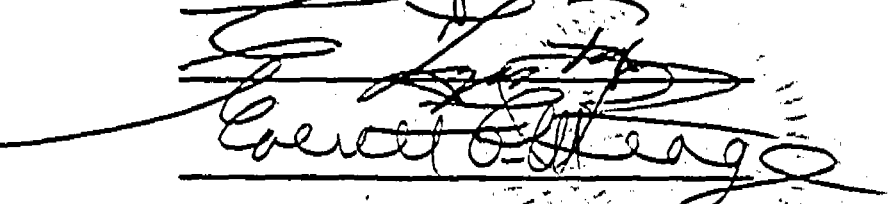
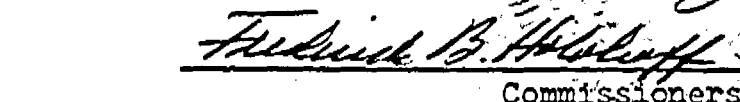
The Secretary is directed to cause service of a certified copy of this order to be made upon Ray F. Maher or to mail a certified copy thereof to him at his last known address as shown in the Commission's records.

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 Ray F. Maher shall have

A. 36093 - dd

filed with this Commission a written response to this order requesting public hearing or shall have filed the proper and lawful freight classification 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 25th day of September, 1962.

  
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President  
  
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Commissioners