

ORIGINAL

Decision No. 64443

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of BILL W. SMITH, an individual,)	
doing business as SMITH TRANSFER,)	
and JOSEPH BIETH, an individual,)	
doing business as JOE BIETH)	Application No. 44233
TRUCKING COMPANY, for the transfer)	
of a certificate of public)	
convenience and necessity from)	
BILL W. SMITE to JOSEPH BIETH.)	

ORDER SUSPENDING OPERATIVE RIGHT

Joseph Bieth, doing business as Joe Bieth Trucking Company, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of specified commodities between certain points in northern California. The certificate was recently acquired from Bill W. Smith, an individual, doing business as Smith Transfer, by authority of Decision No. 63549 dated April 10, 1962, in this proceeding.

The Commission received a copy of a cancellation notice dated May 10, 1962, addressed to Smith 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, Bill W. Smith and Joseph Bieth were placed on notice that the highway common carrier operative right involved would be subject to suspension or revocation, pursuant to lawful procedures, should a classification not be maintained in effect. The publishing agent filed with this Commission a tariff revision canceling

the participation of Smith on August 15, 1962. Neither Smith nor Bieth has 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 acquired by Joseph Bieth by Decision No. 63549 dated April 10, 1962, in Application No. 44233 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 acquired 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 Joseph Bieth 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 Joseph Bieth shall have 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 23rd day of October, 1962.

George G. Grover
President

[Signature]

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[Signature]

Fredrick B. Hoffhoff
Commissioners