

ORIGINAL

Decision No. 64483

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations)
and practices of Harold Hallman,)
doing business as H. Hallman)
Transportation. }

Case No. 7314

Gordon I. Smith, for respondent.
Elmer Sjostrom and Frank O'Leary, for
Commission staff.

O P I N I O N

On April 10, 1962 the Commission instituted its investi-
gation into the operations, rates and practices of Harold Hallman,
doing business as H. Hallman Transportation.

Pursuant to the order instituting investigation, public
hearing was held before Examiner Martin J. Porter on August 8, 1962
at Truckee on which date the matter was submitted.

The purpose of this investigation was to determine whether
respondent, in violation of Section 1063 of the Public Utilities
Code, has operated as a highway common carrier between
Sacramento, on the one hand, and Downieville and Sierra City, on
the other hand, without first having obtained a certificate of
public convenience and necessity.

It was stipulated that respondent holds Highway Contract
Carrier Permit No. 46-66.

The Commission staff presented evidence that the respondent was transporting property for hire between fixed termini, over a regular route on a fixed schedule (Exhibits 3 and 4).

Respondent does not have a certificate of public convenience and necessity to operate as a highway common carrier.

The respondent did not refute this evidence but admitted that the staff's evidence was correct and offered by way of explanation that his was the only scheduled service in this area and he felt he must accept all shipments. He would not like to be certificated because of the necessity of publishing tariffs and the more stringent safety regulation imposed on certificated carriers.

Respondent violated Section 1063 of the Public Utilities Code by operating as a highway common carrier as defined in Section 213 of the Public Utilities Code without having obtained from this Commission a certificate of public convenience and necessity therefor.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that:

1. Harold Hallman be and he hereby is ordered to cease and desist from operating any auto trucks as a highway common carrier as defined in Section 213 of the Public Utilities Code, unless and until he shall first obtain from this Commission a certificate of public convenience and necessity authorizing such operation as required by Section 1063 of the Public Utilities Code.

2. Harold Hallman's Highway Contract Carrier Permit No. 46-66 shall be suspended for five consecutive days, starting at 12:01 a.m. on the second Monday following the effective date of this order. Respondent shall not, by leasing the equipment or other facilities used in operations under this permit for the period of suspension, or by any other device, directly or indirectly allow such equipment or facilities to be used to circumvent the suspension.

3. Respondent shall post at his terminal and station facilities used for receiving property from the public for transportation, not less than five days prior to the beginning of the suspension period, a notice to the public stating that his highway contract carrier permit has been suspended by the Commission for a period of five days. Within five days after such posting respondent shall file with the Commission a copy of such notice, together with an affidavit setting forth the date and place of posting thereof.

The Secretary of the Commission is directed to cause personal service of this order to be made upon Harold Hallman. The effective date of this order shall be thirty days after the completion of such service.

Dated at San Francisco, California, this 30th day of OCTOBER, 1962.

George J. Brown
President
W. L. [unclear]
[unclear]
[unclear]
Fredrick B. Hallock
Commissioners