

ORIGINAL

Decision No. 65032

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
 C. W. OVERSTREET AND LEO EARL)
 OVERSTREET, a partnership Doing)
 Business As MODESTO-LA GRANGE STAGE,)
 for authority to transfer, and)
 LEO EARL OVERSTREET, Doing Business)
 As MODESTO-LA GRANGE STAGE, to)
 acquire the operative rights, and)
 the equipment used in connection)
 with an automobile freight line for)
 the transportation of freight be-)
 tween Modesto and La Grange under)
 operative rights acquired by C. W.)
 OVERSTREET pursuant to authorization)
 granted by Decision No. 24795, dated)
 May 23, 1932.)

Application No. 34098

ORDER REVOKING OPERATIVE RIGHT

In 1953 Leo Earl Overstreet, doing business as Modesto-La Grange Stage, was authorized to acquire a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of general commodities between Modesto, La Grange and intermediate points.¹ He adopted tariffs filed by predecessor owners. The tariffs have not been amended since 1948 and have long since become obsolete. Among other things, they contain class rates which have no application because Leo Earl Overstreet has not filed a freight classification as required by Sections 486 and 493 of the Public Utilities Code.

The verified annual reports for 1959, 1960 and 1961 filed with the Commission by the carrier indicate that no revenues

¹ Decision No. 48350 dated March 10, 1953, in Application No. 34098.

were received for the transportation of property other than United States mail. By letter dated October 19, 1962, the carrier informed the Commission as follows:

"In response to your letter in regards to a tariff, at the present time and for the past year I have handled nothing but U.S. Mail which does not come under a tariff. Having a tariff revised or made would be an expense which I do not wish to incur. Thanking you for your kind consideration."

From the facts that no revenues have accrued and that tariffs have not been maintained in conformity with Commission orders and Sections 486 and 493 of the Public Utilities Code, it is manifest, and we find, that the highway common carrier service for which Leo Earl Overstreet possesses a highway common carrier certificate is not now required by the public convenience and necessity. The following order will revoke the certificate and cancel the tariffs applicable to the services thereunder.

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a highway common carrier acquired by Leo Earl Overstreet by Decision No. 48350 dated March 10, 1953, in Application No. 34098 is hereby revoked.

2. Adoption Notices Cal.P.U.C. No. 1 (Leo Earl Overstreet series), Cal.P.U.C. No. 1 (C. W. Overstreet and Leo Earl Overstreet series) and C.R.C. No. 2 (C. W. Overstreet series) and Local Freight Tariffs Nos. 4 and 5, C.R.C. Nos. 4 (E. H. Bartlett series) and 1 (C. W. Overstreet series), respectively, are hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Leo Earl Overstreet 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 thirtieth day after such service upon Leo Earl Overstreet or after the above mailing to Leo Earl Overstreet, as the case may be, unless before such effective date there shall have been filed with this Commission a written request for public hearing in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 6th day of March, 1963.

George H. Hoover
President
Charles W. [unclear]
Fredrick B. Hobbuff
William W. Bennett

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.