

ORIGINAL

Decision No. 65065

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF APPLICATION OF:

JAY B. BOOTH

for a certificate of public convenience  
and necessity to operate as an irregular  
route petroleum carrier.

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)  
) Application No. 31625  
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ORDER SUSPENDING OPERATIVE RIGHT

Jay B. Booth possesses a certificate of public convenience and necessity to operate as a petroleum irregular route carrier between all points in the State of California south of Redding.

The Commission received a copy of a cancellation notice dated November 5, 1962, and a revision thereof dated November 28, 1962, addressed to Booth whereby Western Motor Tariff Bureau, Inc., Agent, notified him that his participation in various tariffs would be canceled effective March 4, 1963.<sup>1</sup>

Subsequently, by letters from the Secretary of the Commission, Booth was placed on notice that his certificate would be subject to suspension or revocation, pursuant to lawful procedures, should the tariffs not be maintained in effect. The publishing agent filed with this Commission a tariff revision canceling the participation of Booth on March 4, 1963. The carrier has not filed tariffs to replace the canceled tariffs.

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.

<sup>1</sup>The tariffs are Western Motor Tariff Bureau, Inc., Scope of Operations and Participating Carrier Tariff No. 4, Cal.P.U.C. No. 6, Distance Table No. 4, Cal.P.U.C. No. 15 (Agent J. L. Beeler series), Local Freight and Express Tariff No. 3-D, Cal.P.U.C. No. 25 (Agent Elmer Ahl series), and Local Freight Tariffs Nos. 30-A and 33-B, Cal. P.U.C. Nos. 26 and 27 (Agent Elmer Ahl series), respectively.

The required tariffs 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 petroleum irregular route carrier granted to Jay B. Booth by Decision No. 44861 dated October 3, 1950, in Application No. 31625 is hereby suspended pending further order.

2. All otherwise effective tariff schedules of such carrier filed pursuant to the certificate granted by the decision referred to above are hereby suspended. Suspension supplements to tariff schedules 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 Jay B. Booth 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 Jay B. Booth shall have filed with this Commission a written request for public hearing or shall have filed the proper and lawful tariffs 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 12<sup>th</sup> day of March, 1963.

George G. Grover  
President  
Paul J. [unclear]  
Ernest G. [unclear]  
Fredrick B. H. Hoff  
William C. Bennett  
Commissioners