

65526

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

| | | |
|--------------------------------------|---|-----------------------|
| In the Matter of the Application |) | |
| of WILL C. FREITAS, doing business |) | |
| as FREITAS LIVESTOCK TRANSPORTATION |) | |
| for a certificate of public |) | |
| convenience and necessity to |) | Application No. 31519 |
| operate as a highway common carrier |) | |
| for the transportation of livestock, |) | |
| between various points and places |) | |
| in California over defined routes. |) | |

ORDER SUSPENDING OPERATIVE RIGHT

Will C. Freitas, doing business as Freitas Livestock Transportation, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of livestock between various points in the State of California.

The Commission received a copy of a cancellation notice dated February 11, 1963, addressed to Freitas whereby Western Motor Tariff Bureau, Inc., Agent, notified him that his participation in various tariffs would be canceled effective May 17, 1963.¹

Subsequently, by letter from the Secretary of the Commission, Freitas 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 tariffs in effect.

¹The tariffs are Western Motor Tariff Bureau, Inc., Scope of Operations and Participating Carrier Tariff No. 100, Cal.P.U.C. No. 3, Distance Table No. 4, Cal.P.U.C. No. 15 (Agent J. L. Beeler series) and Livestock Carriers Local Freight Tariff No. 105, Cal.P.U.C. No. 9.

The publishing agent filed with this Commission a tariff revision canceling the participation of Freitas on May 17, 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.

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:

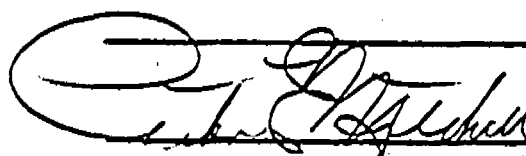
1. The certificate of public convenience and necessity to operate as a highway common carrier granted to Will C. Freitas, individual, doing business as Freitas Livestock Transportation, by Decision No. 44837 dated September 26, 1950, in Application No. 31519 is hereby suspended pending further order.

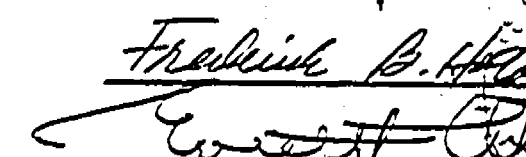
2. All otherwise effective tariff schedules of such carrier filed pursuant to the certificate granted by the decision referred to above are hereby suspended. Suspension supplements to tariff filings so suspended are not required and shall not be filed.

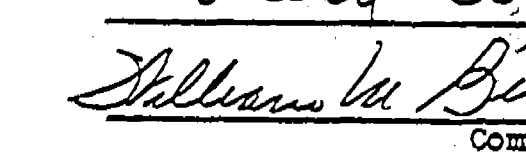
The Secretary is directed to cause service of a certified copy of this order to be made upon Will C. Freitas or to mail a certified copy thereof to him at his last known address as shown in the Commission's records.

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 Will C. Freitas 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 4th day of June, 1963.



President


Acting President


Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.