

Decision No. 65529

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of ORLIE N. CHESTNUT and KENNETH E.)	
McMURRAY, co-partners doing business)	
as C. & M. TRANSPORTATION, to sell)	Application No. 36642
operating rights and properties of a)	
highway common carrier to C. & M.)	
TRANSPORTATION, INC.)	

ORDER SUSPENDING OPERATIVE RIGHT

C. & M. Transportation, Inc., a corporation, possesses a certificate of public convenience and necessity to operate as a petroleum irregular route carrier between all points and places in the State of California.

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

Subsequently, by letter from the Secretary of the Commission, C. & M. Transportation, Inc., was placed on notice that its certificate would be subject to suspension or revocation, pursuant to lawful procedures, should tariffs not be maintained in effect. The publishing agent filed with this Commission a tariff revision canceling the participation of C. & M. Transportation, Inc., 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

¹The 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.

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:

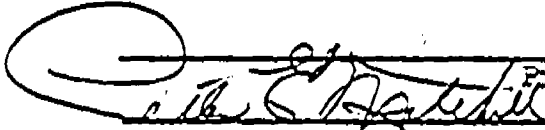
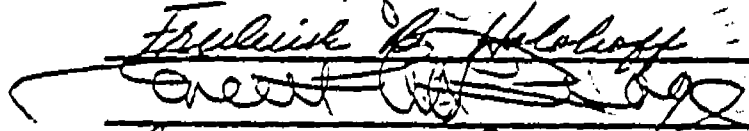
1. The certificate of public convenience and necessity to operate as a petroleum irregular route carrier acquired by C. & M. Transportation, Inc., by Decision No. 51187 dated March 8, 1955, in Application No. 36642 is hereby suspended pending further order.

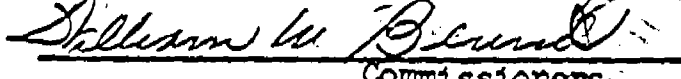
2. All otherwise effective tariff schedules of such carrier filed pursuant to the certificate acquired by the decision referred to above are hereby suspended. Suspension supplements to tariff schedules so suspended are not required and shall not be filed.

The Secretary is directed to cause service of a certified copy of this order to be made upon C. & M. Transportation, Inc., or to mail a certified copy thereof to it at its 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 C. & M. Transportation, Inc., 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.