

ORIGINAL

Decision No. 66001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Tony S. Caruso, an individual, doing)
business as Caruso Produce Express,)
to purchase certificate of public)
convenience and necessity to operate)
as a highway common carrier issued to)
John J. Hesselbrock and Jack Nichols,)
a copartnership, doing business as)
Coast Line Truck Service.)

Application No. 44568

ORDER SUSPENDING OPERATIVE RIGHT

Tony S. Caruso, doing business as Caruso Produce Express, possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of fresh fruits and vegetables, including mushrooms, between Los Angeles Basin Area points and San Francisco Bay Area points and intermediate points.

The Commission received a copy of a cancellation notice dated May 10, 1963, addressed to the carrier whereby Western Motor Tariff Bureau, Inc., Agent, notified him that his participation in various tariffs would be canceled effective August 15, 1963.¹

Subsequently by letter from the Secretary of the Commission, dated May 16, 1963, Caruso was placed on notice that his certificate would be subject to suspension or revocation, pursuant to lawful procedures, should he fail to maintain tariffs in effect. The publishing agent has filed with this Commission tariff revisions canceling the participation of Caruso from the tariffs effective August 15, 1963.

¹ The tariffs are Western Motor Tariff Bureau, Inc., Agent, Scope of Operations and Participating Carrier Tariff No. 100, Cal. P.U.C. No. 3, Distance Table No. 4, Cal.P.U.C. 15 (J. L. Beeler, Agent, Series), and Local, Joint and Proportional Freight Tariff No. 18-B, Cal.P.U.C. No. 17 (J. L. Beeler, Agent, Series).

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 acquired by Tony S. Caruso by Decision No. 63990 dated July 24, 1962, in Application No. 44568 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 pending further order. 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 Tony S. Caruso 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 such mailing, as the case may be,

unless before such effective date Tony S. Caruso shall have filed with this Commission a written request for public hearing or shall have filed proper and lawful tariffs as 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 10th day of September, 1963.

William W. Bennett
President
John E. Ditchell
Charles W. Rago
George E. Grover
Fredrick B. Halaloff
Commissioners