

ORIGINAL

Decision No. 67288

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDWARD J. FOURNIER)
of P.O. Box 72, Downieville, Cali-)
fornia, and FRANK A. MISNER of P.O.)
Box 47, Downieville, California, to)
transfer from Edward J. Fournier to)
Frank A. Misner, all of Edward J.)
Fournier's right, title and interest)
in Decision No. 39570 and all of)
Edward J. Fournier's right, title)
and interest in Decision No. 39661)
of the Public Utilities Commission)
of the State of California)

Application No. 39252

In the Matter of the Application of)
FRANK MISNER, dba SIERRA FREIGHT)
LINES for authority to suspend for)
a period of one year a highway com-)
mon carrier certificate granted by)
Decision No. 56339, Sacramento,)
Indian Flat, and Downieville.)

Application No. 44449

ORDER REVOKING OPERATIVE RIGHT

The certificate of public convenience and necessity of Frank A. Misner, doing business as Sierra Freight Lines, has been suspended since December 31, 1961, for failure to have on file requisite evidence of liability insurance.¹ Pursuant to the carrier's request, and also for failure to have a freight classification on file with the Commission, the certificate was further suspended by Decision No. 63890 dated July 2, 1962, in Application No. 44449. The tariffs of this carrier were canceled by his publishing agent effective November 30, 1962.² The carrier was placed on notice by

¹ The certificate authorizes service as a highway common carrier for the transportation of general commodities between Sacramento, on the one hand, and Indian Flat and Downieville and intermediate points, on the other hand, and locally between Indian Flat and Downieville.

² The tariffs are Pacific Coast Tariff Bureau Exception Sheet No. 1, Cal.P.U.C. No. 4, Freight Tariff No. 10, Cal.P.U.C. No. 14, Scope of Operations Tariff No. 14, Cal.P.U.C. No. 16, and Local and Joint Freight Tariff No. 16, Cal.P.U.C. No. 19.

letter dated September 14, 1962, from the Secretary of the Commission that should he fail to maintain tariffs in effect his highway common carrier operative right would be subject to suspension or revocation, pursuant to lawful procedures. The carrier has not paid his quarterly fees for the third quarter of 1961 nor for the succeeding quarters thereafter to the present time.

Frank A. Misner having failed to have on file the required evidence of liability insurance, the required tariffs and classification, and the quarterly fees not having been paid, and the Commission being of the opinion and finding that such continued failures constitute good cause for the revocation of this carrier's certificate,

IT IS ORDERED that the certificate of public convenience and necessity to operate as a highway common carrier acquired by Frank A. Misner by Decision No. 56339, dated March 11, 1958, in Application No. 39252, is hereby revoked.

The Secretary is directed to cause service of a certified copy of this order to be made upon Frank A. Misner or to mail a certified copy thereof to Frank A. Misner at his last known address as shown in the Commission's records and to mail a copy of this order to Pacific Coast Tariff Bureau, C. R. Nickerson, Agent.

The effective date of this order shall be the thirtieth day after such service upon Frank A. Misner or after the above mailing to Frank A. Misner, 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 26th day of May, 1964.

William L. Bennett
President
John E. Mitchell
George L. Hoover
Frederic B. Hallock
Commissioners