

**ORIGINAL**

Decision No. 67775

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of: JOSEPH SOUZA, an individual, )  
doing business as JOSEPH SOUZA, )  
for a certificate of public con- )  
venience and necessity to operate )  
as a highway common carrier of )  
specified commodities between )  
various points and places in )  
California. )

Application No. 36177

ORDER SUSPENDING OPERATIVE RIGHT

Olive L. Souza, Administratrix of the Estate of Joseph Souza, operates as a highway common carrier under a certificate of public convenience and necessity granted to Joseph Souza for the transportation of fruits and vegetables between various points in the San Joaquin Valley, on the one hand, and San Francisco and Oakland, on the other hand.

Olive L. Souza, as Administratrix, was requested by letter from the Secretary of the Commission to file a proper tariff and to comply with the Commission's minimum rate orders.<sup>1</sup> To date, the proper tariff filing has not been made and compliance with minimum rate order issued in Decision No. 66586 dated February 15, 1964, in Case No. 5438 has not been accomplished.<sup>2</sup> As a result,

---

<sup>1</sup> Letters dated December 30, 1958, August 24, 1961, and February 28, 1962.

<sup>2</sup> The carrier also failed to comply with the following minimum rate decisions issued in Case No. 5438 between April 10, 1959, and December 14, 1963: Decisions Nos. 58025, 60624, 62216, 62352, 62976, 63122, 64202, 65395 and 66199 dated April 10, 1959, October 14, 1960, August 12, 1961, September 9, 1961, February 3, 1962, March 3, 1962, October 27, 1962, July 6, 1963 and December 14, 1963, respectively.

the tariff covering the certificate issued to Joseph Souza does not reflect the current ownership of the highway common carrier operation and names rates and charges less than the minimum rates and charges established by the Commission.

The carrier having failed to maintain her tariff on file in conformity with a Commission outstanding minimum rate order and General Order No. 80-A and the Commission being of the opinion and finding that such failure constitutes good cause for suspension of the certificate and the tariff applicable to services thereunder,

IT IS ORDERED that:

1. The certificate of public convenience and necessity to operate as a highway common carrier granted to Joseph Souza by Decision No. 52901 dated April 17, 1956, in Application No. 36177, is hereby suspended pending further order.

2. All 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 Olive L. Souza, Administratrix of the Estate of Joseph Souza, or to mail a certified copy thereof to her at her 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 Olive L. Souza shall have filed with this Commission a written request for public hearing or shall

A. 36177 - dd

have filed a proper and lawful tariff 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 25<sup>th</sup> day of August, 1964.

Fredrick B. Holluff  
President  
City of San Francisco  
George H. Brown  
William D. Brown  
Commissioners