

Decision No. 68934

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint)
 Application of EMMETT LESTER, dba)
 LESTER'S TRUCKING SERVICE for an)
 Order Authorizing him to Assign)
 and Sell to RAYMOND ERTA his)
 Common Carrier Certificate and)
 Equipment, and in the Matter of)
 Application of RAYMOND ERTA for)
 an Order Authorizing him to)
 operate as a Highway Common)
 Carrier as Defined in Section 213)
 of the Public Utilities Code for)
 the Transportation of Property)
 Between the Points More Particu-)
 larly Set Forth in Appendix "A")
 and Appendix "B" attached hereto)
 and made a part hereof.)

Application No. 46768

ORDER SUSPENDING OPERATIVE RIGHT

Raymond Erta possesses a certificate of public convenience and necessity to operate as a highway common carrier for the transportation of fresh and frozen fish and empty containers between San Francisco Territory, on the one hand, and Moss Landing, Santa Cruz and Monterey, on the other hand.

The tariff of Raymond Erta has not been amended in compliance with the Commission's Decision No. 67531 in Case No. 5432, Petition for Modification No. 324. As a result the tariff names rates and charges less than the minimum rates and charges established by the Commission.

¹ Decision No. 67725, dated August 18, 1964, in Application No. 46768.

Erta was requested, by letter and by telephone,² to amend his tariff to comply with the Commission's outstanding minimum rate order.

The carrier having failed to maintain his tariff on file in conformity with the Commission's outstanding minimum rate order, the Commission finds 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 acquired by Raymond Erta by Decision No. 67725 dated August 18, 1964, in Application No. 46768, is hereby suspended until further order of the Commission.

2. All 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 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 Raymond Erta 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 Raymond Erta shall have filed with this Commission a written request for public hearing or shall

2

Letter dated November 24, 1964, and phone conversation of December 7, 1964.

have amended his tariff in conformity with the Commission's outstanding minimum rate order in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 20th day of April, 1965.

Frederick B. Hallock
President
John E. Doherty
George L. Hoover
Augustus
William L. Bennett
Commissioners