

Decision No. 69493**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MOSES MEISELMAN, doing business as
 MANN TRUCKING CO., for a certificate
 of public convenience and necessity
 to operate as a highway common carrier
 of certain aluminum commodities, brass
 plumbing fittings and chrome furniture
 between Los Angeles and the Los Angeles
 area, on the one hand, and Long Beach,
 Santa Monica, and Redondo Beach and
 intermediate off-route points, on the
 other hand.

Application No. 37726

Moses Meiselman, in propria persona.Eugene Q. Carnody, for the Commission staff.O P I N I O N

Applicant was granted a certificate of public convenience and necessity to operate as a highway common carrier by Decision No. 53447, dated July 16, 1956. On March 23, 1965, by Decision No. 68770, said certificate was revoked unless before the effective date of such decision the applicant requested a public hearing, in which case the effective date was to be stayed. Applicant requested and was granted a public hearing, which was held before Examiner Gravelle on June 8, 1965 at Los Angeles. The matter was submitted subject to a late-filed exhibit, which was received on June 24, 1965.

Since the issuance of the certificate to applicant there have been numerous periods during which said certificate has been under suspension. A witness for the Commission staff presented Exhibit No. 1, which chronologically set forth the various problems which applicant has experienced with his certificate. The witness testified that for the most part applicant's difficulty stemmed from a failure to have either a tariff or a classification on file with the Commission.

Prior to the order of March 23, 1965 applicant's certificate was under suspension as of September 5, 1963 due to his failure to have on file either a tariff or a classification. On the latter date Western Motor Tariff Bureau, Inc., Agent, filed tariff revisions listing applicant as a participant, but no classification was ever filed.

Applicant stated at the hearing that he was under the impression the tariff bureau took care of all necessary filings and nothing further was required of him. After the testimony of the staff witness applicant expressed his desire to comply with all Commission requirements. He stated that he wished to operate pursuant to his certificate of public convenience and necessity and did not wish to lose this privilege. His operations while under suspension have been conducted pursuant to permits he holds and by means of the lease of his equipment. During the course of the hearing he was directed by the staff to seek membership immediately in National Motor Freight Classification A-8 published by the National Motor Freight Traffic Association, Inc. It was agreed that he would furnish late-filed Exhibit No. 2 in the form of a letter advising of his compliance with the classification filing requirement. Said exhibit contains a photocopy of a Power of Attorney to National Motor Freight Traffic Association, Inc., Agent, dated June 9, 1965 and a photocopy of a check of Mann Trucking made payable to the same entity and also dated June 9, 1965. Applicant's letter states that the agent informed him by telephone that he would be included in the next publication of the classification.

The Commission is also in receipt of a copy of a notice from the agent dated June 15, 1965 stating that applicant will be included in the next regular supplement to the National Motor Freight Classification subject only to applicant's execution of the proper agreement forms.

Applicant is hereby placed on notice that as a holder of a certificate of public convenience and necessity it is his duty and obligation to comply with the requirements of the privilege held. The failure to comply can mean the complete loss through revocation of the certificate. It is not the duty of this Commission to lead applicant by the hand in the conduct of his day-to-day operations, but it is incumbent upon this Commission to see that its rules and the statutes affecting those it regulates are properly enforced.

O R D E R

IT IS ORDERED that:

1. Decision No. 63770 dated March 23, 1965, in Application No. 37726, is hereby rescinded concurrently with the effective date of the required tariff filing.

2. The suspension of the certificate of public convenience and necessity imposed upon Moses Meiselman by Decision No. 65872 dated August 13, 1963, is hereby vacated and set aside concurrently with the effective date of the required tariff filing.

The Secretary of the Commission is directed to cause service of a certified copy of this order to be made upon Moses Meiselman or to mail a certified copy thereof to Moses Meiselman at his last known

address as shown in the Commission's records and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent, and to National Motor Freight Traffic Association, Inc., Agent.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this

3rd day of AUGUST, 1965.

Fredrick B. Holshoff
President

John S. Smith

Auguston

William L. Bernal

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.