

**ORIGINAL**

Decision No. 71620

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of  
NORMAN L. SCHLAGEL, doing business  
as NORM'S TRUCKING SERVICE, to sell  
and transfer,

and of

CIRCLE SERVICE, a California corpor-  
ation, to purchase and acquire the  
operative rights of NORMAN L.  
SCHLAGEL, conducted under and pur-  
suant to Decision No. 54493 dated  
5 February 1957 in Application No.  
35953.

Application No. 35953

Application No. 47656

O P I N I O N

On March 17, 1965 the Commission by Decision No. 68755 in Application No. 35953 revoked a highway common carrier certificate created in 1957 under Decision No. 54493. The revocation was subject to the following conditions: "...unless before such effective date there shall have been filed with this Commission a written request for a public hearing in which event the effective date of this order shall be stayed until further order of this Commission."

On April 8, 1965 such a request was filed.

Thereafter and on June 10, 1965 a joint application (No. 47656) was filed seeking transfer of this operative right from Schlagel to Circle Service. The two applications were set for hearing on a consolidated record on August 24, 1965.

The matters were set several times and either continued or removed from the calendar. Finally, on September 3, 1966 the Secretary directed a letter to counsel for the applicants asking them to designate a hearing date, or consider dismissing the

applications. No reply having been received, the matters were placed on calendar on October 11, for hearing October 21, 1966.

Counsel's reply came in on October 13th requesting dismissal.

The Commission finds that:

1. Public convenience and necessity no longer require the services of Norman L. Schlager as such services were defined in Appendix A to Decision No. 54493, dated February 5, 1957 in Application No. 35953.

2. Norman L. Schlager has no tariff schedules nor evidence of public liability and property damage insurance on file and has abandoned the operating right referred to in finding No. 1.

The Commission concludes that the certificate heretofore granted to Norman L. Schlager by Decision No. 54493 should be revoked.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity as a highway common carrier heretofore granted to Norman L. Schlager by Decision No. 54493, dated February 5, 1957 in Application No. 35953 is revoked, cancelled and annulled.

2. Application No. 47656 is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of NOVEMBER, 1966.

George T. Grover President  
Frederick B. Holbrook  
William L. Bernard  
Augustin Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.