

ORIGINAL

Decision No. 76759

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of C. E. Fortier and C. J. Fortier,)	
a copartnership doing business as)	
FRESNO-GENERAL GRANT-CEDAR GROVE)	Application No. 39280
FREIGHT LINES, to sell and trans-)	
fer, and E. W. Simmons, an individual,)	
to purchase certain operating rights)	
and equipment.)	

ORDER REVOKING OPERATING RIGHTS

E. W. Simmons (Simmons) doing business as Fresno-General Grant-Cedar Grove Freight Lines, by Decision No. 55554 dated September 10, 1957 in Application No. 39280 acquired a certificate of public convenience and necessity to operate as a highway common carrier.

Simmons is not in compliance with various rules, regulations and directives of this Commission (for which his certificate is presently in suspension) in that he has failed to:

1. File quarterly reports and pay fees due for the fourth quarter 1968, and first, second and third quarters 1969, in accordance with Section 5003.1 of the Public Utilities Code;
2. Maintain on file a surety bond in the amount of \$2000 in compliance with General Order No. 84-F or in lieu thereof publish a tariff provision that C.O.D. shipments will not be accepted.

On July 22, 1969, Simmons was admonished by the District Attorney, Fresno County, for his continued noncompliance. He has advised the Commission staff that he does not plan to take the steps necessary to get the suspension of his operative rights lifted and to reinstate service.

The Commission has considered the matter and finds that:

1. E. W. Simmons is in default having not filed the required quarterly reports and paid fees for the 4th quarter 1968, and first, second and third quarters 1969;
2. E. W. Simmons operating authority is presently in suspension for failure to pay quarterly fees;
3. E. W. Simmons is not in compliance with the requirements governing C.O.D. shipments prescribed in General Order No. 84-F.

The Commission concludes that the certificate should be revoked.

IT IS ORDERED that:

1. The certificate of public convenience and necessity acquired by E. W. Simmons by Decision No. 55554, dated September 10, 1957, as amended by Decision No. 74082, dated May 7, 1968 and Decision No. 74541, dated August 13, 1968, in Application No. 39280 is hereby revoked, unless before the effective date of this order there is filed a written request for public hearing, in which event the certificate shall continue in suspension pending further order of the Commission.
2. E. W. Simmons' tariffs and his participation in tariffs on file with this Commission are hereby canceled.

3. E. W. Simmons is placed on notice that his failure to comply with the rules, regulations and directives of this Commission may result in penalties or fines being imposed on him as prescribed by the Public Utilities Code.

The effective date of this order shall be 30 days after the date hereof.

Dated at San Francisco, California, this 10th day of February, 1970.

William Simmons, Jr.
President

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J. P. ...

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Commissioners