

Decision No. 77862

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Hedwig D. Kala dba Merrimac Stage)
to sell and George W. Harrison and)
Carroll W. Birdwell to purchase, the)
operative rights of Merrimac Stage)
and for temporary authority to)
operate said operative rights.)

Application No. 48994
(Filed December 6, 1966)

ORDER OF REVOCATION

George W. Harrison and Carroll W. Birdwell, co-partners, doing business as Merrimac Stage, are the holders of a certificate of public convenience and necessity to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code which authorizes the transportation of property between Oroville and Elk's Retreat and intermediate points.

The certificate was acquired by the partners pursuant to Decision No. 72046, dated February 21, 1967, in Application No. 48994 and was suspended on July 13, 1970 for failure to maintain adequate liability insurance on file with the Commission.

On September 15, 1970, Mr. George W. Harrison made a written request that the certificate be revoked stating that he was unable to continue operating due to poor health. He further stated that he had made two attempts to sell the rights but had been unsuccessful. He stated

verbally to a member of the Commission staff that Mr. Carroll W. Birdwell had left the State and that his present whereabouts were unknown and that the partnership was dissolved. He asserted that there were other carriers who were serving the Elk's Retreat area and that the revocation of this certificate would cause no hardship to the receivers of shipments in that location.

In the circumstances, it appears, and the Commission finds, that the revocation of the certificate of public convenience and necessity as requested would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the certificate should be revoked and the tariffs applicable to the service thereunder should be cancelled.

IT IS ORDERED that:

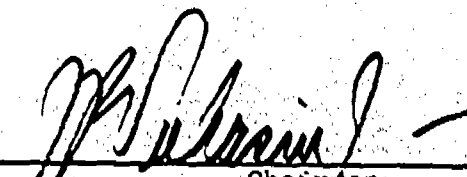
1. The certificate of public convenience and necessity to operate as a highway common carrier acquired by George W. Harrison and Carroll W. Birdwell, co-partners, doing business as Merrimac Stage, by Decision No. 72046 dated February 21, 1967, in Application No. 48994 is hereby revoked.

2. Merrimac Stage Local Freight Tariff, California Public Utilities Commission No. 1 (series of D. A. Nicklas), is hereby cancelled.

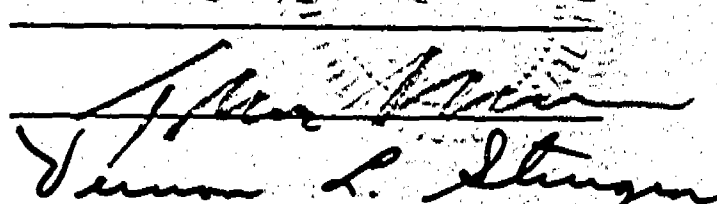
3. The Secretary is directed to cause service of a certified copy of this order to be made upon George W. Harrison and Carroll W. Birdwell or mail a certified copy to them at their last known address as shown on the Commission's records.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of October, 1970.



Chairman



Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.