

Decision No. 78411

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

BRINK'S, INCORPORATED, a corporation,
for a certificate of public convenience
and necessity as an express corporation
of specified valuable commodities,
authorizing operations between all
points in the State of California, pur-
suant to Section 1010 of the California
Public Utilities Code.

Application No. 51852
Petition for Modification
(Filed October 19, 1970)

O P I N I O N

On April 28, 1970, applicant filed a request for a certificate of public convenience and necessity authorizing it to operate as an express corporation as defined in Section 219 of the Public Utilities Code. Decision No. 77646, dated August 25, 1970, granted the certificate ex parte on condition that applicant file a written acceptance of the certificate within thirty days. Applicant did not file such acceptance. On October 19, 1970, applicant filed a Petition for Modification of Decision No. 77646.

Applicant's Petition for Modification requests that the Commission dismiss its application for a certificate of public convenience and necessity and, in so doing, determine that the Commission has no valid statutory authority to require applicant to assume status as a common carrier express corporation. Any determination of applicant's status should be made only after full hearing in an appropriate proceeding with adequate notice to all

parties entitled thereto. Because applicant has failed to accept the certificate as granted, it should be cancelled as set forth in the ensuing order.

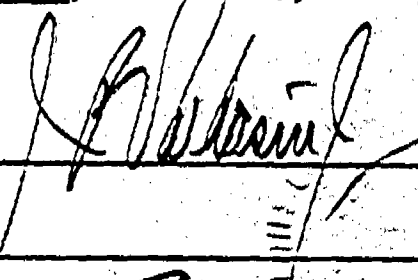
O R D E R

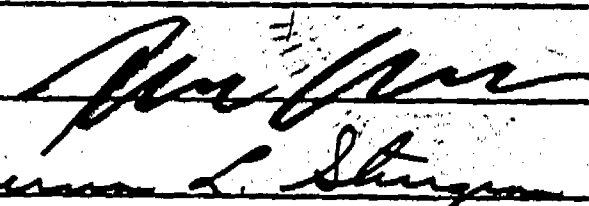
IT IS ORDERED that:

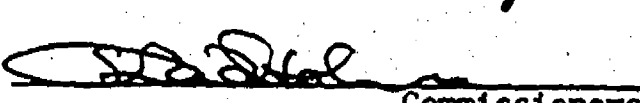
1. The petition is denied.
2. The certificate of public convenience and necessity granted to Brink's, Incorporated by Decision No. 77646, dated August 25, 1970 is cancelled unless a written request for a hearing is filed no later than ten days after the effective date of this order. In such event, this proceeding will be set for hearing at such time and place and before such Commissioner or Examiner as the Commission shall designate.

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

Dated at San Francisco, California, this 9th day of MARCH, 1971.



Chairman


Commissioners


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