

ORIGINAL

Decision No. 78502

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CLAYTON MILLER and WILLIAM C. SHOWERS,)
partners, doing business as DEL REYE)
VAN & STORAGE, for an order authoriz-) Application No. 47303
ing them to sell and transfer, and)
CLAYTON MILLER, to purchase and for)
authority to operate under a certain)
certificate of public convenience and)
necessity.)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 68804, dated March 30, 1965, as amended by Decision No. 69367 dated July 7, 1965, in the above proceeding, Clayton Miller acquired a certificated right for the transportation of uncrated and unboxed household goods, furniture (including antiques), office fixtures and furniture between Los Angeles and Santa Barbara and certain intermediate and off-route points.

Clayton Miller has, by letter, requested that his certificate be amended to exclude therefrom the transportation of used household goods and related commodities and that the tariff, covering this transportation be canceled.¹

In the circumstances, it appears and the Commission finds, that amendment of the carrier's certificate, as requested, would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the carrier's operative right should be amended accordingly and the tariff applicable to the services thereunder should be canceled.

¹ The certificate in question was created under the provisions of the Public Utilities Act prior to the enactment of the Household Goods Carriers Act in 1951. Section 5112 of the Public Utilities Code provides that regulation of the transportation involved herein shall be exclusively as provided in the Household Goods Carriers Act and any provision of the Public Utilities Act in conflict with the provisions of the Household Goods Carriers Act is superseded and repealed. Amendment of the certificate, as proposed, would clarify this matter.

IT IS ORDERED that:

1. Appendix A of Decision No. 68804, as heretofore amended, is further amended by incorporating therein Second Revised Page 1, attached hereto, in revision of First Revised Page 1.

2. Clayton Miller's Local Freight Tariff No. 1, Cal.P.U.C. No. 1 (Series of Clayton Miller and William C. Showers doing business as Del Rey Van & Storage) is hereby canceled.

The Secretary is directed to cause service of a certified copy of this order to be made upon Clayton Miller or mail a certified copy thereof to him at his last known address as shown in the Commission's records.

The effective date of this order shall be the twentieth day after such service upon Clayton Miller or after the above-mentioned mailing to him.

Dated at Los Angeles, California, this 27th day of April, 1971.

Chairman
William J. ...
Commissioners
[Signature]

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate
-2- in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate
in the disposition of this proceeding.

Clayton Miller is authorized, subject to the restriction hereinafter noted, to transport uncrated and unboxed household goods, furniture (including antiques), office fixtures and furniture between Los Angeles and Santa Barbara and intermediate points over and along U. S. Highway 101, with the right to detour for pickup or delivery, 30 miles on either side of said highway at all points between the north limits of the City of Los Angeles and the west limits of the City of Santa Barbara.

RESTRICTION: Clayton Miller is not authorized to transport used household goods and personal effects, office, store and institution furniture and fixtures by means of a motor vehicle or motor vehicles being used exclusively in the transportation of said commodities under this authority.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 78602, Application No. 47303.