

Decision No.

80182

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CLARENCE SMITH and ABBIE SMITH, a
co-partnership, doing business as
SMITH BROS. TRUCK COMPANY, for a
Certificate of Public Convenience
and Necessity.

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Application No. 42969

SECOND SUPPLEMENTAL OPINION AND ORDER

By Decision No. 61591, dated February 28, 1961, in Application No. 42969, Clarence Smith and Abbie Smith, a copartnership, doing business as Smith Bros. Truck Company, were granted an in lieu certificate of public convenience and necessity to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code.

Upon the death of Clarence Smith, Letters Testamentary was issued appointing Abbie M. Smith and Herbert Arthur Houser, executors of his estate. Subsequently, upon the death of Abbie Smith, Letters Testamentary was issued appointing Nancy Ellen Smith Porter and Herbert Arthur Houser, co-executors of her estate.

A request has been filed with the Commission to reissue the certificate of public convenience and necessity to Herbert Arthur Houser, Executor of the Estate of Clarence Smith and to Nancy Ellen Smith Porter and Herbert Arthur Houser, Co-Executors of the Estate of Abbie Smith. A public hearing is not necessary.

Therefore, good cause appearing:

IT IS ORDERED that:

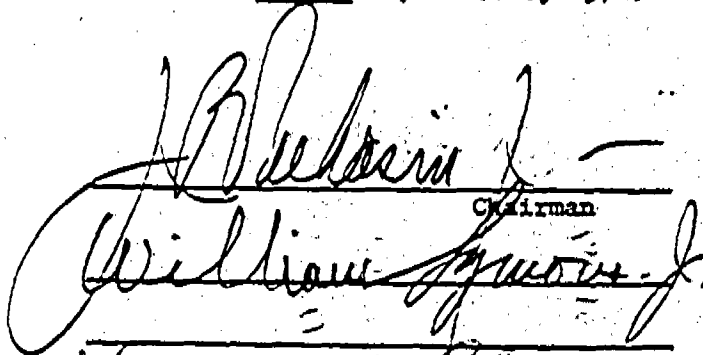
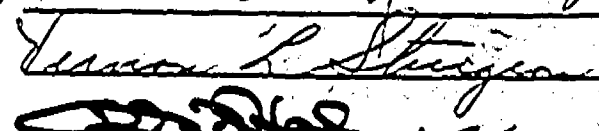
1. Decision No. 61591 is hereby further amended by substituting the name of Herbert Arthur Houser, Executor of the Estate of Clarence Smith,

and the names of Nancy Ellen Smith Porter and Herbert Arthur Houser, Co-Executors of the Estate of Abbie Smith, in place and stead of Clarence Smith and Abbie Smith in Ordering Paragraph 1 thereof.

2. Herbert Arthur Houser, Executor of the Estate of Clarence Smith, and Nancy Ellen Smith and Herbert Arthur Houser, Co-Executors of the Estate of Abbie Smith, shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations herein to show they have adopted or established, as their own, said rates and rules. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-Series.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of June, 1972.


Chairman

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.