

Decision No. 80607

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of
NIKKOLA EXPRESS, INC., a Califor-
nia corporation, for reinstatement
of its permits to operate as a
radial highway common carrier and
a highway contract carrier. }

Application No. 53481
(Filed July 25, 1972)

OPINION AND ORDER

Prior to and including June 27, 1972, applicant, Nikkola Express, Inc., operated as a radial highway common carrier and a highway contract carrier pursuant to authority from this Commission under the Commission's File No. T-87,033.

On or about April 17, 1972, applicant was advised by the Commission that applicant was delinquent in filing its 1971 annual report and had been fined \$250. On June 27, 1972, applicant was advised that its radial highway common carrier and highway contract carrier permits had been revoked as of June 27, 1972, and that it had been fined \$250 for not timely filing its 1971 annual report (Exhibit A to Application No. 53481). The applicant alleges that it did not receive the communication of April 17, 1972, despite a diligent search of its records and inquiries made of its officers and employees, and admits that on May 9, 1972, a Commission employee spoke by telephone to applicant's bookkeeper who acknowledged the applicant's delinquency in filing its 1971 annual report to the Commission and was advised that the Commission could levy a \$250 fine. The applicant further alleges that on May 12, 1972, the applicant's annual report was forwarded to the Commission by its bookkeeper; at that time, applicant did not pay the \$250 fine required by the Commission; and that the \$250 was forwarded to the Commission on July 25, 1972. ✓

The applicant alleges that it was not until subsequent to the receipt of the aforesaid Commission letter of June 27, 1972, that it sought legal advice in the matter of the revocation of its permits.

The applicant requests that its permits be reinstated.

The Commission has considered the allegations of the application and is of the opinion and finds that the cancellation of applicant's permits is justified and the applicant should be required to file applications for new permits if it is so advised. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED that the application of Nikkola Express, Inc., for reinstatement of its highway contract carrier and radial highway common carrier permits is denied.

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

Dated at San Francisco, California, this 11th day of OCTOBER, 1972.

William R. Stenger
President

William Stenger

[Signature]

Commissioners

[Signature]

J. H. [Signature], Commissioner

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.