

Decision No. 80819

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of Phillips Trucking Corp., a	)	
corporation, to sell and transfer	)	
a certificate of public convenience	)	
and necessity authorizing the trans-	)	Application No. 51839
portation of cement to Allan L.	)	
Wenger.	)	
	)	

SUPPLEMENTAL OPINION AND ORDER

Allan L. Wenger, an individual, is a cement carrier serving San Mateo County under authority of this Commission issued in Decision No. 78403, dated March 9, 1971, in Application No. 51839, as amended by Decision No. 79624, dated January 18, 1972.

This authority was suspended August 27, 1972, in accordance with General Order No. 100-G, for failure to maintain liability insurance on file.

By letters postmarked September 15, 1972 and November 3, 1972, the carrier requested that his operating authority be suspended as he is reorganizing his business.

There are numerous other cement carriers serving San Mateo County.

After consideration, the Commission finds that the proposed suspension of service would not be adverse to the public interest. A public hearing is not necessary.

IT IS ORDERED that:

1. Concurrent with the tariff filings required by Ordering Paragraph 2 hereof, the operating authority granted by Decision No. 78403, as amended, is hereby suspended.
2. Within thirty days after the effective date hereof and on not less than five days' notice to the Commission and to the public, applicant shall amend its tariff presently on file with this Commission to reflect the authority herein granted.
3. During the period of suspension, Allan L. Wenger shall continue to file quarterly reports and pay fees pursuant to Section 5003.1 of the Public Utilities Code and file annual financial report.
4. Prior to the expiration date of the suspension period or the date service is resumed when the latter date is earlier than said expiration date, Allan L. Wenger shall file a list of motor equipment to be operated, file and have in effect evidence of adequate liability insurance protection and comply with Paragraph 13 of the Commission's General Order No. 100-G.
5. Tariff schedules naming rates and rules governing the common carrier operations herein shall be brought up to date in compliance with all applicable Commission minimum rate orders. The required tariff filings shall be made effective on not less than ten days' notice to the Commission and to the public and the effective date of the tariff filings shall be concurrent with the expiration date of the suspension period or the date when service is resumed when the latter date is prior to said expiration date.
6. The authority to suspend operations granted herein shall expire on December 1, 1973, or upon earlier resumption of operations which may be effected upon compliance with Ordering Paragraphs 3, 4 and 5.

Allan L. Wenger, is placed on notice that commencement of operations under the certificate referred to in Ordering Paragraph 1 herein, prior to compliance with Ordering Paragraphs 3, 4 and 5, may be cause for further suspension or revocation of his operating authority.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of December, 1972.

Vernon L. Spurgeon  
President  
William Spurgeon Jr.  
[Signature]  
[Signature]  
Commissioners

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