

Decision 81251

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of COMMUNITY ENTERPRISES, INC.,
a California Corporation, to sell
and FRANK D. MATTHEWS, an indi-
vidual doing business as F.
MATTHEWS BUS CO. for authority to
purchase a certificate of public
convenience and necessity.

Application 52910
(Filed October 5, 1971)

SUPPLEMENTAL ORDER

By Decision 79560, dated January 4, 1972, Community Enterprises, Inc. was granted authority to transfer part of its certificate of public convenience and necessity to operate as a passenger stage corporation to Frank D. Matthews, doing business as F. Matthews Bus Company. The part referred to comprises a route (numbered 3 in its certificate) between the City of Santa Ana, on the one hand, and the U.S. Marine Base near El Toro, on the other hand, including intermediate points.

Among other things the order required as a condition to this authority the following to be done:

- (1) That the purchaser notify the Commission of the transfer and file a true copy of the instrument of transfer executed to effect said transfer.
- (2) That the purchaser amend or reissue the tariffs and timetables for the operation assumed.
- (3) That the purchaser comply with and observe the provisions of the Commission's General Orders 79 and 98-A and the insurance requirements of General Order 101-C.

These requirements were not complied with, and Frank D. Matthews was advised by letter dated September 8, 1972 of possible consequences if the requirements were not met. No response to this letter was received by the Commission. The Commission is advised by its staff that Frank D. Matthews has commenced operations over the above described route, although the lack of compliance with the Commission's order continues.

It appears and the Commission finds that no notice of transfer, copy of bill of sale, tariff, timetable nor acceptance of the certificate has been filed. Frank D. Matthews has no evidence on file with the Commission showing adequate protection against liability imposed by law for payment of damage for personal injury or property damage, as required by General Order 101-C.

Thus, the purchaser has failed to comply with the requirements of the Commission's order authorizing the transfer. Therefore,

IT IS ORDERED that the Certificate of Public Convenience and Necessity for authority to conduct operations over the above-described route as granted by Decision 79560 to Frank D. Matthews is hereby revoked.

The Secretary is directed to effect personal service of this order to Community Enterprises, Inc., 1001 South Grand Avenue, Santa Ana, California 92705 and to Frank D. Matthews, 927 East 4th Street, Santa Ana, California 92701, last known addresses as shown on the Commission's records.

The effective date of this order shall be ten days after the date of such personal service to Community Enterprises, Inc. and Frank D. Matthews.

Dated at San Francisco, California, this 10th day of APRIL, 1973.

Vernon L. Sturges
President
William Symons
[Signature]
[Signature]
Commissioners

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