

Decision No. 83435**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 trans-)
fer a certificate of public)
convenience and necessity)
authorizing the transportation)
of cement to Allan L. Wenger.)

Application No. 51839

SUPPLEMENTAL ORDER EXTENDING VOLUNTARY SUSPENSION

By Decision No. 80819, dated December 12, 1972, in the above proceeding, Allan L. Wenger, holding certificated authority to serve points in San Mateo County as a cement carrier, was authorized to suspend his operations until December 1, 1973. By Decision No. 82307 dated January 8, 1974, the suspension was extended to July 1, 1974, at Mr. Wenger's written request, to allow him additional time to resolve his financial problems.

By letter dated June 28, 1974, Mr. Wenger's attorney states that his client has been unable to resolve his financial problems due to a pending lawsuit and requests that Mr. Wenger's certificate be continued in suspension through December 31, 1974, to allow him sufficient time to complete this litigation and reactivate his authority.

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

IT IS ORDERED that:

1. Ordering Paragraph No. 6 of Decision No. 80819, supra, is further amended to read:

"6. The authority to suspend operations granted herein shall expire with December 31, 1974, or upon earlier resumption of operations which may be effected upon compliance with Ordering Paragraphs 3, 4 and 5."

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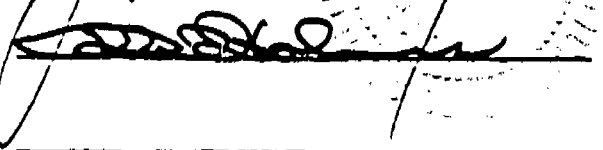
in place and stead of present Ordering Paragraph No. 6.

2. Allan L. Wenger is placed on notice that the certificate of public convenience and necessity granted him by Decision No. 78403, dated March 9, 1971, in Application No. 51839, is hereby revoked effective January 1, 1975, unless on or before said date, the carrier resumes operations and meets all requirements contained in Decision No. 80819 for resumption of operations.

3. In all other respects, the provisions of Decision No. 80819 shall remain in full force and effect.

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

Dated at San Francisco, California, this 11th day of September, 1974.


President



Commissioners

Commissioner William Syms, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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