

LTC

Decision No. 83538

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of MODESTO AND EMPIRE TRACTION)
COMPANY, a corporation, for a)
certificate of public conve-)
nience and necessity, to operate)
motor truck service as a high-)
way common carrier of property,)
between Modesto and Empire, in)
Stanislaus County, California,)
and to render incidental pick-)
up and delivery service.)

Application No. 32056,
as amended

ORDER REVOKING OPERATIVE RIGHT

Modesto and Empire Traction Company (Modesto) holds a certificate to operate as a highway common carrier for the transportation of intrastate less-than-carload traffic, with certain exceptions, originating or destined beyond Empire and handled jointly at Empire with the Santa Fe Transportation Company. No local highway service is authorized between Modesto and Empire. The certificate was granted by Decision No. 45699 dated May 15, 1951 as amended by Decision No. 74082 dated May 7, 1968 in Application No. 32056, as amended.

Pursuant to authority granted in Decision No. 75771 dated June 10, 1969 in Application No. 51001, Modesto canceled its participation in joint rates published in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111. The tariff cancellation was made effective August 7, 1969, and Modesto has been without a tariff applicable to services under its certificate since that date. As recited in Decision No. 75771, supra, Modesto obtained the tariff cancellation authority due to constantly diminishing traffic interchanged between the two carriers, and to eliminate an unnecessary tariff expense.

A. 32056 - LTC

Now, by letter to the Commission dated August 26, 1974 Modesto asks that the above certificate be revoked for the same reasons given for its tariff cancellation. The letter states that since no traffic is being handled there is no need for retaining its certificate.

In the circumstances, it appears, and the Commission finds, that public convenience and necessity no longer require the operations of Modesto and Empire Traction Company as a highway common carrier. A public hearing is not necessary. The Commission concludes that the certificate should be revoked.

IT IS ORDERED that the certificate of public convenience and necessity to operate as a highway common carrier granted to Modesto and Empire Traction Company by Decision No. 45699 dated May 15, 1951 as amended by Decision No. 74082 dated May 7, 1968 in Application No. 32056, as amended, is hereby revoked.

The Secretary is directed to cause service of a certified copy of this order to be made upon Modesto and Empire Traction Company or to mail a certified copy thereof to it at its last known address as shown in the Commission's records and to mail a copy thereof to The Santa Fe Trail Transportation Company and to Western Motor Tariff Bureau, Inc.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of October, 1974.

Vernon L. Sturgeon
President

William J. Sturgeon, Jr.

J. P. Sturgeon

Mark Sturgeon

Sturgeon
Commissioners