

Decision No. 90342 MAY 22 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Marsal Transport)	
Inc., a corporation for authority)	
to reinstate it's certificates of)	Application No. 58495
public convenience and necessity)	(Filed November 30, 1978;
granted in decision nos. 62083)	Amended April 16, 1979)
and 62084 the Public Utilities)	
code of the State of California.)	
(sic)		

O P I N I O N

By this application, as amended, Marsal Transport, Inc., a California corporation, requests that the revocation of its certificated operating authorities on May 26, 1977, ordered by the Commission under its Resolution 17977, dated March 9, 1977, be rescinded.

The authorities which were revoked for failure to pay fees required under Section 5001, et seq. of the Public Utilities Code including:

1. Petroleum irregular certificate authorizing statewide operations which was transferred to the carrier pursuant to Decision 62083, dated June 6, 1961, in Application 43329.
2. Highway common carrier certificate authorizing transportation of petroleum and petroleum products in packages, cartons and/or containers when said products are moving in connection with, or in conjunction with, a coincidental movement of petroleum or petroleum products in tank truck or tank trailers under the carrier's petroleum irregular route authority. The highway common carrier certificate was transferred to the carrier by Decision 61181, dated December 13, 1960, in Application 42563.
3. Cement carrier certificate authorizing transportation to and within the Counties of Kern, Los Angeles, Orange, San Bernardino, Riverside, San Diego and Ventura. The certificate was granted by Resolution 13821, Sub 47, in Application A-46363, as amended by Decision 67922, dated September 30, 1964, in Application 46542.

The above-mentioned decisions and resolution were amended by Decision 73378, dated November 21, 1967, in Applications 43379, 43329 and 46542 to change the corporate name therein of the carrier to Marsal Transport, Inc.

The applicant indicates that during the years 1976 and 1977, applicant's president became ill and was periodically hospitalized. Applicant's family attempted to run the business, but ignorant of certain Commission procedures, did not file quarterly reports.

Due to procedural difficulties in providing the Commission with necessary quarterly reports and fees, applicant's operating authorities were revoked.

Applicant was under the mistaken impression that with the filing of the necessary reports and fees, its certificate of public convenience and necessity and the corresponding certificate of registration issued by the Interstate Commerce Commission, would be automatically reinstated. Such was not the case.

Notice of the application and its amendment were made in the Commission's Daily Calendars of December 5, 1978 and April 19, 1979, respectively. No protests to the application or its amendment, have been received. The necessary fees and reports have now been filed. The Commission finds that the reinstatement of the certificates of public convenience and necessity would not be adverse to the public interest and concludes that the application, as amended, should be granted.

O R D E R

IT IS ORDERED that:

1. The certificates of public convenience and necessity formerly held by Marsal Transport, Inc., by authority of Decision 62083, as amended, Decision 61181, as amended, and Resolution 13821, as amended, are hereby reinstated subject to the requirements set forth in Paragraph 2 below.

2. Prior to the resumption of service, tariff schedules naming rates and rules governing the certificated operations shall be brought up to date in compliance with all applicable Commission minimum rate orders. The required tariff filings shall be made on not less than ten days' notice to the Commission and the public and the effective date of the tariff filings shall be concurrent with the expiration date of the authorization granted herein or the date service is resumed when the latter is prior to said expiration.

3. The authority for reinstatement of the certificated authorities granted herein shall expire on August 1, 1979, unless compliance is made with Ordering Paragraph 2 hereof.

4. Marsal Transport, Inc., is placed on notice that commencement of operations, under any or all of the certificates referred to herein, prior to compliance with Ordering Paragraph 2 may be cause for further suspension or revocation of any or all of such operating authorities.

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

Dated at San Francisco, California, this 2nd day
of MAY, 1979.

John E. Bryan
President

Ernest L. Stinson

Richard G. Havelle

[Signature]
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.