

Decision No. 17841

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ROBERT V. HARDIE for certificate of )  
 public convenience and necessity to ) Application  
 operate freight truck service between ) No. 11057  
 Los Angeles Harbor District and )  
 Glendale, Eagle Rock and Burbank. )

BY THE COMMISSION -

**ORIGINAL**ORDER DENYING PETITION TO  
REOPEN PROCEEDING

Robert V. Hardie, applicant in the above entitled matter, has petitioned the Railroad Commission for an order reopening the proceeding that he may have an opportunity to present testimony to the effect that public convenience and necessity at this time require the operation by him of an auto trucking service, largely similar to that for which a certificate was denied him by the Railroad Commission in its Decision No. 15287, dated August 13, 1925, and issued on Application No. 11057.

After a full and complete public hearing at Los Angeles on the original application of applicant Hardie the Commission on August 13, 1925, issued its order (Decision No. 15287) denying the application, finding that public convenience and necessity did not require the auto trucking service proposed to be performed by him. No petition for a rehearing was filed within the time within which such petition must be filed, but on May 10, 1926, or nine months later, the instant application was presented to the Commission.

We are of the opinion that this application to reopen the above entitled proceeding should be denied. The Commission went fully into the merits of Mr. Hardie's application in 1925, and its findings of fact and Order in the proceeding were based on

conditions as they were presented at the hearing by witnesses for the applicant and the carriers who appeared in protest against the granting of the certificate prayed for. If applicant, as he claims, has at this time proof that public convenience and necessity require the operation by him of an automobile service for the transportation of freight, slightly different from that for which he sought a certificate in 1925, but in the main, the same service, he should to properly bring the matter before the Commission undertake a new proceeding by the filing of an application for a certificate of public convenience and necessity.

IT IS HEREBY ORDERED that the petition of Robert V. Hardie for an order of the Commission reopening the matter of his application for a certificate of public convenience and necessity to operate an automobile trucking service between Los Angeles Harbor District and Glendale, Eagle Rock and Burbank, which matter was determined by the Commission in its Decision No. 15287, be and the same hereby is denied.

Dated at San Francisco, California, this 5<sup>th</sup> day of January, 1927.

H. H. Brundage  
C. Seaver  
Ernest G. ...  
Leon ...  
Thos. ...  
COMMISSIONERS.