

Decision No. 22251

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
L. A. THORNEWILL for a certificate of  
public convenience and necessity to  
enlarge operations from San Francisco  
to Santa Cruz and Capitola.

)  
)  
) Application No. 15249  
)

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER ON APPLICATION  
FOR REHEARING

In the Commission's Decision No. 21474 in the above-entitled proceeding rendered on the 20th day of August, 1929, it was ordered that the application of L. A. Thornewill for certificate of public convenience and necessity to enlarge his existing operating right be denied, the denial being placed upon the ground that applicant was violating the terms of his existing certificates and the law. A petition for rehearing was duly filed by applicant, and oral argument thereon had before the Commission on the 8th day of October 1929. No action has been taken either granting or denying said petition for rehearing.

On the 14th day of March, 1930, said applicant filed his supplemental petition for rehearing reciting that

the Commission in its said Decision No. 21474 did not pass upon the question of public convenience and necessity other than to conclude that the certificate should not be granted in view of the evidence to the effect that Thornewill had assumed, without authority, to conduct the identical service for which a certificate was sought. Said petition further recited that in an action subsequently brought in the Superior Court, the Commission had sought to impose upon applicant a monetary penalty for the same wrong doing and that applicant had made an offer for the entry of a stipulated judgment therein. Since the filing of said supplemental petition for rehearing judgment has been entered in said Court action, and the Commission on this day, in another order, has rescinded its finding and order in Decision 12473 in Case 2561 revoking Thornewill's existing certificate.

While there is no tenable ground for granting the petition for rehearing, the order denying the same should not be deemed to be a determination that the effect of the payment of the penalty referred to has not relieved applicant of the effects of his wrong doing on account of which the present application was denied should a new application for a certificate be filed.

THEREFORE, IT IS HEREBY ORDERED that the

petition for rehearing herein be denied without pre-  
judice.

Dated at San Francisco, California, this  
24th day of March 1930.

CL Seaver

Leon A. Hill

Wm. G. Smith

M. A. Carr

Commissioners