

Decision No. 24052

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BEVERLY GIBSON for a certificate of public convenience and necessity to operate an auto stage line for the transportation of passengers, baggage and express, for compensation, and as a common carrier, between Sacramento and San Francisco, California, and intermediate points, via Walnut Grove, Antioch, Pittsburg, and Willow Pass Road, to Concord; also via Walnut Grove, Rio Vista, Antioch, Pittsburg, and Bay Point, to Concord; thence via Walnut Creek, Lafayette, and the Tunnel Road to Berkeley and Oakland, and thence by Southern Pacific automobile ferries to San Francisco, in conjunction with, and as an extension and enlargement of the transportation service now being rendered by applicant between Sacramento and Bay Point, California, and intermediate points; and consolidate its present operative rights and establish certain through service thereover; and consolidate its present operative rights with the operative rights sought to be acquired herein, and establish certain through service thereover.

ORIGINAL

) Application
) No.14026

In the Matter of the Application of CALIFORNIA TRANSIT CO., a corporation, for a certificate of public convenience and necessity to reroute a portion of its service between Oakland and Martinez via Franklin Canyon; to render certain local service between Martinez and Antioch, and to consolidate the Martinez-Stockton operative rights with the operative rights of the remainder of applicant's system.

) Application
) No.14912

HARRIS, Commissioner -

OPINION and ORDER
ON
APPLICATION FOR REHEARING

On August 3, 1931, this Commission handed down its Decision No.23917 in the above entitled matters, and on August 10, 1931, by Decision No.23942, amended its order in Decision No.23917.

On August 17, 1931, applicant Beverly Gibson filed an application for a rehearing, said application requesting authority for

counsel to present oral argument in support thereof. On August 22, 1931, the Commission made its order granting said request for oral argument and extended the effective date of the previous orders until final determination of the proceedings.

At a public hearing before me on Saturday, September 5, 1931, counsel for both applicants appeared and presented argument on all the issues raised in said petition for rehearing and the matter was taken under submission.

Giving the fullest consideration to the arguments of counsel and after a careful review of the record, I must conclude that counsel for petitioners did not offer convincing proof that the orders of the Commission in the matters involved were not in accord with sound judgment based on the record. If, in its description of operating rights granted to applicant Gibson in lieu of existing rights, an error has been made through inadvertence, resulting in abridgement of certain rights possessed by applicant Gibson it may be remedied, after informal request to the Commission, by the issuance of a supplemental corrective order. Such an error does not justify a rehearing. I shall, therefore, recommend that the petition for rehearing be denied.

O R D E R

Applicant in Application No. 14026 having petitioned for a rehearing in the above entitled matters, and oral argument thereon having been heard,

IT IS HEREBY ORDERED that said petition for rehearing be and the same is hereby denied.

The above Opinion and Order are hereby approved and adopted as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 21st day of September 1931.

W. B. Harris
John C. Stewart
W. B. Harris
John C. Stewart
COMMISSIONERS.