

Decision No. 29711

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
B. H. BROWNLEE for certificate of
public convenience and necessity to
operate auto truck service between
Monterey, San Jose, Oakland, and
San Francisco.

Application No. 19167

Regulated carriers, Inc.,

Complainant,

vs.

B. H. BROWNLEE, ALBERT BILLA,
and B. H. BROWNLEE and ALBERT
BILLA doing business under the firm
name of Brownlee and Billa, et
al,

Defendants.

ORIGINAL

Case No. 3442

Edward Stern, Esq.,

for Railway Express Agency, Inc.,
Protestant;

J. F. Vizzard, Esq.,

for Highway Transport Co.,
Protestant;

J. W. Lenahan, Esq.,

for Applicant and Defendant
B. H. Brownlee;

Reginald L. Vaughan, Esq. for Complainant in Case 3442.

BY THE COMMISSION:

ORDER VACATING ORDER OF DISMISSAL, VACATING
ORDER GRANTING PETITION FOR REHEARING, AND
DENYING PETITION FOR REHEARING

The order to show cause in the above entitled matters why
order of dismissal should not be vacated was set for hearing and
was heard and submitted on April 13, 1937, before Examiner William

H. Gorman.

It appearing that heretofore and on the 25th day of September, 1933, by Decision No. 26363 in Case No. 3442, the Commission found that defendants above named were operating as a transportation company as defined in Section 1, subdivision (c) of the Auto Truck Act (Chapter 312, Stats. 1917, as amended), without a certificate of public convenience and necessity or prior right authorizing such operations; and it appearing that on November 13, 1933, the Commission made its order in said case granting the petition of defendants for rehearing; and it appearing that on January 11, 1937, by Decision No. 29450 in Application No. 19167 and Case 3442, the Commission dismissed each of said proceedings; and it further appearing that said order was inadvertently made in so far as said order was applicable to Case No. 3442; and it further appearing that said Decision No. 29450 should be vacated, rescinded, and set aside, and that the Commission gave notice to defendants and applicant above named of the proposed change and an opportunity to be heard, pursuant to Section 64 of the Public Utilities Act; and it further appearing that defendant and applicant B. H. Brownlee appeared personally and by his attorney, and consented that the order of dismissal might be vacated, rescinded, and set aside in so far as it applied to Case 3442, and that the order of the Commission dated November 13, 1933, granting the petition of defendants above named for a rehearing in Case 3442, might be vacated, rescinded, and set aside; and that the petition of defendants for rehearing might be denied:

O R D E R

IT IS HEREBY ORDERED that Decision No. 29450, heretofore made and rendered on January 11, 1937, in the above entitled pro-

ceedings, dismissing said proceedings and each of them, be and it is hereby vacated, rescinded, and set aside in so far as said order and decision may be applicable to Case No. 3442.

IT IS FURTHER ORDERED that the order of the Commission granting the petition of defendants above named for a rehearing in Case 3442 be and it is hereby vacated, rescinded, and set aside, and that said petition for rehearing be and the same is hereby denied.

Dated at San Francisco, California, this 26th day of April, 1937.

Walter M. ...
Leon ...
Frank R. ...
Robert W. ...
Ray & Riley
Commissioners.