

Decision No. 35406

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Higgins Trucks, Inc., for a certificate of public convenience and necessity to operate an automobile truck service as a common carrier between Los Angeles, California, on one hand and those portions of the Los Angeles drayage area as defined in Case No. 4121, Decision No. 32504, without the incorporated limits of the City of Los Angeles, on the other hand.

ORIGINAL
Application
No. 23293

BY THE COMMISSION:

OPINION AND ORDER ON REHEARING

Higgins Trucks, Inc., by Decision No. 33817, was granted a certificate of public convenience and necessity authorizing it to operate as a highway common carrier between Los Angeles and certain adjacent territory and to transport specific commodities. Subsequently, Higgins Trucks, Inc. petitioned for a rehearing of said decision and asked the Commission, upon reconsideration, to enlarge the rights granted to petitioner thereby. Decision No. 33817 was set aside by Decision No. 33881, rehearing was held, and the matter was argued orally before the Commission en banc.

Thereafter, Higgins Trucks, Inc. advised the Commission that it wished to withdraw its petition for rehearing and modification of Decision No. 33817. After full consideration of the record, the Commission is of the opinion that said Decision No. 33817 is correct and should be affirmed.

Therefore, good cause appearing,

IT IS ORDERED that Decision No. 33881, setting aside Decision No. 33817, is vacated and said Decision No. 33817 is affirmed and reissued.

The request of Higgins Trucks, Inc. for modification and enlargement of the operative rights granted to it by said Decision No. 33817 is denied.

IT IS FURTHER ORDERED that, in the operation of said highway common carrier service as originally granted by said Decision No. 33817 and affirmed and reinstated by this decision, Higgins Trucks, Inc. shall observe the following service regulations:

- (1) File a written acceptance of the certificate granted within a period of not to exceed thirty (30) days from the date hereof.
- (2) Comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the date hereof and on not less than one (1) day's notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 26th day of May, 1942.

Justice J. Calver
Ray & Brey
Richard Kasha