

ORIGINALDecision No. 51151

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the reasonableness, adequacy, sufficiency and lawfulness of the fares, rates and certain other subjects and matters, as specified in the amended order of investigation herein, of Key System Transit Lines and Railway Equipment & Realty Company, Ltd.

Case No. 5259
(as amended)

OPINION AND ORDER MODIFYING DECISION NO. 48687
RENDERED IN THE ABOVE-ENTITLED PROCEEDING

On the 9th day of June, 1953, this Commission rendered herein Decision No. 48687 which, among other things, found and decreed respondent Railway Equipment & Realty Company, Ltd., to be a public utility subject to the provisions of the Public Utilities Act and the jurisdiction of this Commission. Petition for rehearing respecting said decision was denied by Decision No. 48856 dated the 21st day of July, 1953. Said respondent and Key System Transit Lines filed with the Supreme Court of this State a petition for a writ of review respecting both of the foregoing decisions. Said petition for review is still pending before said Court.

Thereafter, respondent Railway Equipment & Realty Company, Ltd., caused to be organized Bay Area Public Service Corporation, a California corporation, and sought, among other things, the authority of this Commission to transfer to said corporation all the public utility operative property which said respondent then claimed to own. By Decisions Nos. 50617 and 50876 in Application No. 35368, this Commission granted authority to respondent Railway Equipment & Realty Company, Ltd., and Bay Area Public Service Corporation to

consummate such transfer of public utility property upon the condition that said Bay Area Public Service Corporation become and be a public utility as defined by said Public Utilities Act.

By petition filed herein on the 24th day of January, 1955, respondent Railway Equipment & Realty Company, Ltd., recites, in substance, the foregoing facts and alleges that the transfer authorized has been effected and, based upon the present status of said respondent, requests that this Commission modify Decision No. 48687 by holding and decreeing that said respondent is not now a public utility subject to the jurisdiction of this Commission.

The foregoing recited facts are established by the records of this Commission and we hereby find that respondent Railway Equipment & Realty Company, Ltd., is not now a public utility subject to our jurisdiction. In the circumstances, a public hearing is not necessary and said Decision No. 48687 will be modified as requested. However, as a condition to the issuance of the decision herein so modifying said Decision No. 48687, said respondent and Key System Transit Lines will be required to file a dismissal with the Supreme Court of this State of the proceeding now pending therein whereby said parties seek a writ of review respecting Decisions Nos. 48687 and 48856.

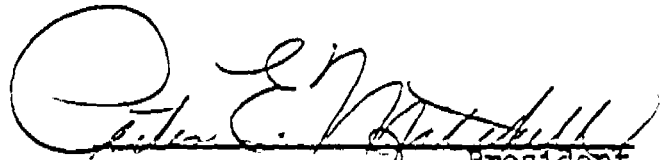
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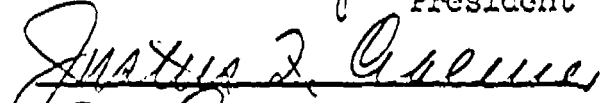
Based upon the foregoing opinion and findings contained therein, IT IS ORDERED that Decision No. 48687 rendered herein on the 9th day of June, 1953, be and the same is hereby modified by finding and decreeing that respondent Railway Equipment & Realty Company, Ltd., is not now a public utility subject to the provisions of the Public Utilities Act and the jurisdiction of this Commission; provided, however, that, as a condition to the effectiveness of this decision, Railway Equipment & Realty Company, Ltd., and Key System Transit

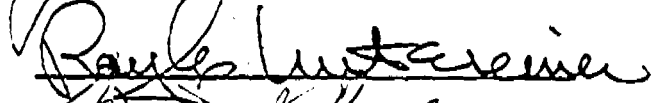
Lines shall dismiss the proceeding now pending before the Supreme Court of this State wherein said parties seek a writ of review respecting Decisions Nos. 48687 and 48856 rendered by this Commission in the above-entitled proceeding.

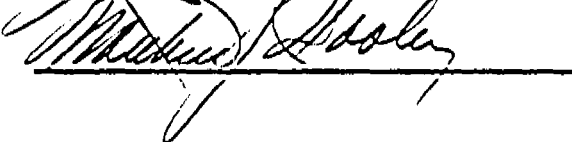
Upon the filing of a verified statement, by said respondent, with this Commission that said review proceeding pending in the Supreme Court of this State has been dismissed, the decision herein shall come into full force and effect.

Dated at San Francisco, California, this 1st day of MARCH, 1955.



President






Commissioners