

**ORIGINAL**

Decision No. 55721

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of SHIPPERS EXPRESS COMPANY, a )	
corporation, for a certificate of )	Application No. 36130
public convenience and necessity )	
as a highway common carrier. )	

ORDER DENYING PETITION FOR RECONSIDERATION AND  
MODIFICATION, HEARING AND/OR ORAL ARGUMENT

It appearing that Application No. 36130 was one filed pursuant to Decision No. 50448 in Case No. 5478, and

It appearing that pursuant to the procedure established by the Commission for the processing of such applications Decision No. 53263 was issued, dated June 19, 1956, and became effective ninety days after such date, and

It appearing that Decision No. 53263 authorized applicant to transport property between Los Angeles and San Diego, and

It appearing that applicant on September 12, 1957 filed a petition for reconsideration and modification, hearing and/or oral argument of Decision No. 53263 requesting that Decision No. 53263 be modified to provide for the transportation of property between San Francisco Territory, Los Angeles Territory and San Diego, on the one hand, and all points on the following routes, on the other hand:

- (a) Between Sacramento and Los Angeles via U. S. Highway 99,
- (b) Between San Jose and Los Angeles via U. S. Highways 101 and 101-A,
- (c) Between Gilroy and Califa via State Highway 152,

- (d) Between Westmorland and El Centro via U. S. Highway 99, and
- (e) Between Calipatria and Calexico via State Highway 111,

with certain restrictions as to local service within the San Francisco and Los Angeles Territories and between the San Francisco Territory, on the one hand, and Sacramento and Stockton, on the other hand, and

The Commission having concluded that petitioner's failure to file a petition for reconsideration until more than fourteen months had elapsed since the issuance of Decision No. 53263 constitutes laches, and

The Commission being of the opinion, therefore, that petitioner may no longer have recourse to the procedure hereinabove mentioned,

IT IS ORDERED that the petition for reconsideration and ~~modification~~ modification, hearing and/or oral argument is denied.

Dated at San Francisco, California, this 22nd day of October, 1957.

[Signature]  
President  
[Signature]  
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Commissioners